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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 6, 2007.

I hereby appoint the Honorable HENRY C. ''HANK'' JOHNSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Georgia (Mr. PRICE) for 5 minutes.

ORWELLIAN EARMARKING

Mr. PRICE of Georgia. Mr. Speaker, in his novel, 1984, George Orwell presents this concept of doublethink, which is defined as, ''The power of holding two contradictory beliefs in one's mind simultaneously and accepting both of them.''

I come to the floor today, Mr. Speaker, to review the repetitive lack of openness and accountability that we have seen on this House floor over the last month. Time and again, this new majority has governed on the premise that if you simply just say it, it will become true. It is Orwellian doublethink, an amazing concept.

They believe that if you simply just say you are lowering drug prices, poof, it's done, ignoring the reality that prices really won't be lowered and fewer drugs will be made available to our seniors.

They believe that if you just say you are implementing all of the 9/11 Commission's recommendations, it changes the fact that the bill that was passed here on the floor doesn't reflect the totality of those recommendations.

They believe that if you just say you are cutting interest rates in half for college students, it doesn't matter that in reality you've pulled a bait-and-switch, with the rate cut lasting just 6 months.

Mr. Speaker, saying it doesn't make it so. And Democratic doublethink does a disservice to this Nation.

Now this makes for great talking points and great press releases, but yields very little for the people back home. Rather than bold policy initiatives, people are starting to realize that the Democratic agenda has been more pop than fizz. And now, Mr. Speaker, the Democrats are using this Orwellian newspeak, doublethink, in regard to spending Americans' hard-earned tax dollars.

On December 11 of last year, 2006, the two chairmen of the Appropriations Committee in the House and Senate, OBEY and BYRD, said, and I quote, ''There will be no congressional earmarks in the joint funding resolution that we will pass.'' No earmarks. But sadly, once again, the facts just don't match the promises. Democratic doublethink is alive and well.

The majority used a loophole in the House rules to include millions of dollars of earmarks by simply saying that there were none. Clause 9 of rule XXI of the House rules says that it shall not be in order to consider a bill or joint resolution unless the chairman of each committee of initial referral has a statement that the proposition contains no congressional earmarks. So the chairman of the Appropriations Committee, Mr. OBEY, conveniently submitted to the record on January 29 that prior to the omnibus bill being considered, quote, ''does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits.'' But, in fact, Mr. Speaker, this omnibus spending bill that the Democrats passed last week contained hundreds of millions of dollars of earmarks. Democrat doublethink.

If we follow this Democrat policy as long as you submit to the record that there are no earmarks, you can feel free to just load up any appropriations bill with as many earmarks as you like with absolutely no accountability.

Their actions completely violate the spirit of our earmarking rule, designed to bring greater transparency to our spending process. Rather than take the new rule seriously, the Democrat majority has used this sly interpretation that essentially allows for unlimited earmarks. In this new Democrat majority, if you just close your eyes and say there are no earmarks, miraculously millions of dollars of earmarks are wasted on things like rain forests in Iowa.

This isn't the type of open and honest government that our constituents expected in this Congress. Mr. Speaker, this doublethink is unacceptable to the American people, who work hard every day to provide for their families only to have Washington throw away their money, unsupervised, on pork projects.

There was a positive and honest and principled alternative to this spending injustice. Republicans offered an alternative eliminating these earmarks and targeting funds for military housing and drug enforcement. Our friends on the other side of the aisle chose to ignore it and throw money at their pet earmark projects.

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For 12 years our colleagues on the other side blamed Republicans for every ill under the sun, and now that it is their time to govern, they hide behind bumper sticker and press release politics. Never before has such an enormous amount of taxpayer money been spent so quickly, over $400 billion in one hour.

If our friends on the other side of the aisle truly desired to clean up earmarks and bring greater transparency to our spending, why would they then make this their first act? Their actions simply don't match their rhetoric. The American people expect more than a wink and a nod that they have gotten so far from this Democrat majority. Democrat doublethink does a disservice to our Nation.

In George Orwell's 1984 Doublethink Newspeak, he said that the lie always was one step ahead of the truth; but the American people are catching up, Mr. Speaker. Just saying something doesn't make it so.

IT'S TIME FOR A NEW DIRECTION IN IRAQ

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

Mr. BLUMENAUER. Mr. Speaker, I come to the floor with some observations about Iraq, but I must comment on the presentation I just heard from my friend from Georgia.

You know, Mr. Speaker, independent observers agree that Democrats have moved quickly and aggressively to implement what we said we were going to do in the first 100 hours. I find it disingenuous that our friend was talking about somehow the Democrats not dealing with its commitment on earmarks, and mentioning the rain forest in Iowa. Mr. Speaker, again, independent observers agree that Mr. OBEY and Mr. BYRD did bring forward a clean continuing resolution that didn't have any new earmarks. It killed the earmarks that had been set aside in the failed budget of the Republicans in the last session of Congress.

What my friend is talking about, the rain forest in Iowa, was an earmark from several years ago, a Republican earmark, I might say, from several years ago. And now he is suggesting that as we have moved forward to clean up the budget mess left by the Republicans, failing to meet their commitments to produce budgets in a timely fashion, that we didn't go back and surgically remove earmarks that they had scattered throughout the budget for years. Well, I'm sorry. With all due respect to George Orwell and my friend from Georgia, I think that is doublespeak. We did what we said we were going to do. The CR has come forward without earmarks, and we have put in place a much more transparent process so people will know who is doing what on whose behalf.

But, Mr. Speaker, I came to the floor today to make a few comments about the situation in Iraq. There is much ado in the other body to work to catch up with the reality on the ground in Iraq and where the American public is. This is not the time just to oppose escalation of more troops in Iraq. We find that the 21,000 that the President referred to is actually going to mean 50 additional thousand when you put all the support in. It is time for Congress to deal in a comprehensive fashion with what we need to do to make the best of this tragically mismanaged situation, a war of choice that we didn't have to do, sadly mismanaged by the administration. It is time for Congress to rediscover our war powers with Iraq, and even more important, the saber rattling that is directed now towards Iran. It is time for us to rediscover the power of the purse, not provide an open-ended bank account, but tighten down the resources that are provided by Congress to the administration, and to rediscover oversight where there are daily reminders in every major newspaper of where Congress in the last few years has frankly been missing in action.

To be able to advance those goals in a comprehensive fashion, I have introduced new directions for Iraq. It sets forth goals for United States policy, supporting the Iraqi people, preventing greater violence, reestablish our international credibility and military readiness, and focusing on real national security threats. It calls not for escalation, but prohibiting the escalation without specific congressional approval, and for the redeployment of troops from Iraq to be completed in approximately 1 year.

It calls for the United States to forswear the establishment of permanent bases in Iraq, as well as U.S. control over Iraq's oil infrastructure and economic policies. It redirects United States reconstruction funding from large foreign contractors to Iraqi-owned businesses to help create jobs in Iraq. It instructs the President to nullify contracts where any company has not fulfilled an Iraq reconstruction contract, and to recover lost funds.

We ought not to just stop the fraud in terms of the contracting, but we ought to aggressively punish war profiteering, encouraging Congress to investigate and the Attorney General to aggressively prosecute profiteering and fraud.

It requires a regional diplomatic initiative because ultimately it is going to require diplomacy on the part of the United States and all of the surrounding countries to be able to turn this around.

I strongly urge my colleagues to look at the New Direction For Iraq Act of 2007 as a comprehensive way to change the situation in Iraq.

RECESS

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

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

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

Creator of the stars in the heavens and all upon Earth, the winter sun You let shine upon our Nation is a great gift for which we give You thanks.

In the midst of cold winds and uncertain and sometimes disastrous weather patterns, the consistent warm rays of light fall upon the good and the bad, the believers and unbelievers alike. Gradually, the days are already growing longer but like the movement of Your grace often unnoticed.

Lord, You are ever-present, especially to those most in need. Show Your mercy to the most vulnerable, the children, the poor, the elderly, the homeless. We commend them to You now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon (Mr. WALDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. WALDEN of Oregon 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.

PRESIDENT BUSH UNDERESTIMATES NUMBER OF TROOPS AND AMOUNT OF MONEY NEEDED FOR TROOP ESCALATION PLAN

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

Mr. WALZ of Minnesota. Madam Speaker, last week, the nonpartisan Congressional Budget Office released a report saying that President Bush is understating the number of troops and the amount of money needed to move forward with his troop escalation plan.

While the President claims he plans to send 21,500 troops to Iraq, the Congressional Budget Office says the number will be as high as 48,000. As any soldier like myself knows, that to put a

combat unit on the ground you need substantial support forces, including personnel to staff headquarters, serve as military police, provide communications, provide mess facilities, engineering and other services.

The Congressional Budget Office also said that the President has seriously underestimated the cost of troop escalation. While President Bush claims it should not cost any more than $5.6 billion, the Congressional Budget Office says a 4-month deployment will cost between $9 and $13 billion, 12 months between $20 and $27 billion. This is a 400 percent underestimate.

Madam Speaker, this is a serious report that cannot and will not be ignored. President Bush cannot expect Members of Congress to support his troop escalation plan when he is not telling us the whole story on the number of troops and the funds involved to make it happen.

CONGRESSIONAL INACTION JEOPARDIZES HOOD RIVER COUNTY SEARCH AND RESCUE

(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 amounts to a breach of faith to the almost 600 forested counties across America and 4,400 school districts.

Hood River County, Oregon, is my home and hosts two of Oregon's icons: Mount Hood and the powerful Columbia River, both attractions for outdoor recreation and the dangers that come with it. Surely you remember the December search for the mountain climbers lost on Mount Hood? This event unfolded just miles from my home.

The county paid for this rescue and recovery effort entirely with county payment funds. This included the airplanes, snowcats and equipment for volunteers, radios and medical supplies.

County Sheriff Joe Vampler says, ''We will do search and rescue on Federal lands and waterways no matter what but the Nation must share this cost.''

County payments also fund many other vital services like the County Health Department's vaccination program for children.

County Commission Chair Ron Rivers says, ''The loss of these funds will have a significant impact on all services, including those provided to protect our most vulnerable citizens.''

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

CREATION OF A U.S. DEPARTMENT OF PEACE

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to express my strong support for H.R. 808, as it would create a U.S. Department of Peace.

The importance of peace in the world today is often overlooked due to the severity of constant conflict, but, as a mother and lawmaker, the reality of war concerns me for the future of our Nation and this planet. The promotion of peace, not violence, should be number one on our agenda.

For years, I have worked to raise awareness in the women within our society, and around the world, so that they can spread the word of peace and build a culture of peace in this world.

Women in themselves are a powerful entity, and I believe by working together we as a society can stop the escalation of violence. We can prevail by joining together and building a U.S. Department of Peace. War is not the way, but peace is.

I am proud to support this resolution, creating a U.S. Department of Peace and urge my colleagues' support.

SUPPORT REPUBLICAN SENATORS

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

Ms. FOXX. Mr. Speaker, I rise today in disbelief at the actions of the Democratic Senators' resolutions against the United States efforts in Iraq. These very same Senators voted unanimously to confirm General David Petraeus. It is unbelievably hypocritical to undermine the efforts of the very man they confirmed, along with all the brave men and women who serve with him.

The actions of these Senators will simply encourage the terrorists and undermine the U.S. efforts to succeed in Iraq and the war on terror. Republicans want to debate this issue, yet the Democrats only want to pass a resolution. It is time to take a real stand on the issue. If the Democrats want to end the war, then they should stand up and call for it.

The hypocritical actions of the Democrats are wrong. They have offered no plan for success in Iraq and are interfering with the President's powers to execute a war that the Congress has already approved. Democrats must realize there is only one commander-in-chief, and it is his job and responsibility to manage the war as he sees fit.

Mr. Speaker, I support my Republican colleagues in the Senate who want a real debate on this issue and victory in the central front on the global war on terror.

NEED TO SUPPORT OUR TROOPS

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

Mr. ELLISON. Mr. Speaker, soldiers don't choose to go to war. Soldiers do not allocate funds for which they use to fight the war. Soldiers may face danger, soldiers may risk their lives and sometimes lose their lives, but the least a Nation can do that sends a young person into harm's way is to fully support, fully equip and fully allow that young person to be successful to protect their own lives.

And yet this administration has not done that. We failed in the early part of this war to provide Kevlar. This administration has failed to provide Humvees that were fully armored for our young people, and now what we see is tens of billions in backlog on maintenance so that the equipment that young people are relying on to protect their lives and to fully do their duty is unavailable.

This is wrong, and we must call attention to this wrong, and we must do something about it now.

NO END BUT VICTORY

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

Mr. WILSON of South Carolina. Mr. Speaker, as debate continues surrounding President Bush's new way forward in Iraq, I hope all sides are heard.

I am a 31-year veteran of the South Carolina Army National Guard. I have four sons serving in the military, the eldest of whom served for a year in Iraq. I sit on the Armed Services Committee, and I have visited Iraq six times and Afghanistan twice. I am committed to my family and our Nation's survival and prosperity, all of which will be threatened should we not triumph in the global war on terrorism.

As elected public officials, Members of Congress have an obligation to debate war strategy and exercise congressional oversight. If by conscience they disagree with the President's direction, they have a responsibility to put forth an alternative plan.

Political posturing in the form of nonbinding resolutions, however, brings nothing to the debate regarding the protection of American families.

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

HONORING THE MEMORY OF POLICE OFFICER SHAWN JOSHUA DEAN WILLIAMS

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

Mr. SHULER. Mr. Speaker, I rise today in honor of the memory of Police Officer Shawn Joshua Dean Williams. Officer Williams died while responding to a fellow officer's call for assistance last Thursday night in Old Fort, North Carolina. He was only 23 years old.

I offer my condolences to his wife, Shannon Kirby Williams; his young daughter, Rye-Lee Alexis; his parents, Max Suttles and mother Holly Williams; and all of his family and friends.

I also want to extend my thoughts and prayers to his fellow Old Fort police officers and the entire law enforcement community in McDowell County.

Mr. Speaker, Officer Williams' life was an example of service for all of us to follow.

I ask my colleagues to join me in expressing remorse at all the passings and the dedication of all law enforcement officers and gratitude to all those who protect and serve our communities every day.

ANTI-WAR PROTESTERS' GRAFFITI

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

Mr. PITTS. Mr. Speaker, a week ago, the anti-war rally in Washington made headlines across America. Lost in most of the coverage, however, was the complete lack of basic decency displayed by some of these protesters. The anti-war protesters defaced our Capitol by spray-painting graffiti on the Capitol's west terrace.

Mr. Speaker, it never ceases to amaze me how nonpeaceful these so-called peace protesters can be. There is no question that Americans have a constitutional right to peaceably assemble, but when you brazenly deface cherished public property, you are no longer assembling peacefully. You are committing a crime.

Mr. Speaker, we can have a thoughtful public debate on our policies overseas, but we must remember this. Our freedom was not earned by protesters with poster paint. It was earned by the thousands of brave men and women who courageously stand up to fight for it, many of whom paid with their lives.

□ 1215

DEPARTMENT OF PEACE BILL INTRODUCTION

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

Ms. LEE. Mr. Speaker, it is time to make a real commitment to the peace that we want to see in the world. That is exactly what H.R. 808, introduced by Congressman KUCINICH, with 52 cosponsors, would do by creating the Department of Peace.

We are now spending $8 billion each month on the occupation of Iraq. Imagine if a small portion of that money was invested, instead, in conflict resolution, diplomacy, weapons reduction, and human rights. As the drum beats of war against Iran are now heard, imagine if the debate included not only the Secretary of State and Secretary of Defense, but a Secretary of Peace. Guaranteed the military option would be taken off the table and our world would not be led again into another useless, senseless war.

Imagine if we were to direct a small portion of the $583 billion Pentagon budget to promoting nonviolence here at home by investing in efforts to stop domestic violence, gun violence, child abuse, gang violence, violence in schools, hate crimes, racial violence, religious intolerance and the mistreatment of the elderly.

Dr. King said that peace is not just the absence of tension; it is the presence of justice. This isn't something we should just hope for, but we must work for it.

RUSSIAN BORDER CONTROL

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

Mr. POE. Mr. Speaker, a government spokesman has said people from poor countries are taking jobs and giving nothing back to the country. But the government spokesman was not from the United States, but Russia.

Under a new Russian crackdown on illegal immigration, illegals are being ordered out of the country and employers who hire them are being prosecuted. Russia is also securing its visa program against fraud. All of these actions are working. The illegals are leaving the country by the thousands. No massive deportation is needed, no amnesty or path to citizenship.

Similar to the United States, millions of illegals are crossing Russian borders. They take government resources from legal citizens. The Russian Government, however, unlike the U.S. Government, isn't giving in to those who want cheap plantation labor. The Russian Government doesn't care if illegals or businesses don't like the new rules.

Russia is enforcing border security by prosecuting illegals and those that hire them. The U.S. Government could learn something from Russia. Prosecute businesses that knowingly hire illegals, and illegals will leave. Russia has proven it. But does America have the moral will to do the same? We shall see.

And that's just the way it is.

THE NATIONAL INTELLIGENCE ESTIMATE

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

Mr. HARE. Mr. Speaker, no one can deny that the situation on the ground in Iraq is grave and rapidly deteriorating and therefore deserves the immediate and undivided attention of this Congress.

Last week, the National Intelligence Estimate released a pessimistic outlook on the future of Operation Iraqi Freedom. The NIE offers no hope that under the likeliest of scenarios the level of violence in Iraq will be significantly reduced between the next 12 to 18 months.

Additionally, the Iraq Study Group has identified the increase of sectarian violence in Iraq as a principal challenge to stability in the Middle East. In light of the current situation, a military approach is no longer a viable solution to stabilizing Iraq. Our success in Iraq is dependent upon a forward change in direction, which involves input of Iraq's neighbors and the entire international community.

Through political and diplomatic engagement we have a serious chance of reducing sectarian tensions, bringing our troops home, and ultimately declaring victory in Iraq. I urge my colleagues in both Houses to put aside partisan differences and honestly debate our strategy in Iraq.

THE CONSTITUTION AND WAR

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

Mr. PENCE. The father of our Constitution, James Madison, wrote, ''The Constitution expressly and exclusively vests in the legislature the power of declaring a state of war. The separation of the power declaring war from conducting it is wisely contrived to exclude the danger of its being declared for the sake of its being conducted.''

As we begin the process of hearing resolutions down the hall of this Capitol in the United States Senate, nonbinding resolutions over the way and the manner in which we would conduct our war, we would do well to reflect on the wisdom of our Founders, who separated the article I powers of this body from the article II powers of our Commander in Chief.

Let us remember, as Franklin Roosevelt said, ''Hostilities exist, there is no blinking at the fact that our people, our territory and our interests are in grave danger.'' Let this grave danger color our debates. Provide the oversight that is our purview, but we have but one Commander in Chief, and let him lead us to victory in Iraq.

CELEBRATING TONY DUNGY, THE FIRST AFRICAN AMERICAN COACH TO WIN A SUPER BOWL

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

Ms. CASTOR. Mr. Speaker, I rise today on behalf of my district in the Tampa Bay area to herald the terrific achievement of our hometown hero, Tony Dungy. While Coach Dungy is the first African American coach to win a Super Bowl title, he is also a living testimony to faithful leadership.

Since Coach Dungy's 11-year path to the Super Bowl title came through my hometown of Tampa, I think it is fair to say that everyone in the Tampa Bay area feels attached to his win, and we are proud to claim him as a resident. My friends and neighbors back home remember Coach Dungy as the former coach of the Buccaneers, who in that capacity brought a winning spirit and

gracious leadership to that team and our community.

We watched with pride Sunday when this man showed that nice guys can finish first. His team came from eight points behind, withstood the weather and won the game. Coach Dungy, as the first African American coach to win a Super Bowl, provides the perfect start to the month-long celebration of Black History Month. His victory follows the march of other men and women who have stood up for justice and opened doors for others.

Congratulations to him and all that understand that perseverance and teamwork is the best answer to life's obstacles.

HONORING DR. DARRELL JOHNSON, SUPERINTENDENT OF GREENWOOD SCHOOLS

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

Mr. BARRETT of South Carolina. Mr. Speaker, Dr. Darrell Johnson, the superintendent of Greenwood School District 50 for South Carolina, was quoted saying: ''I pledge to do the best I can and work together as a team.''

I would like to honor Dr. Johnson during February's Black History Month as a very notable and distinguished African American who has heavily impacted the Third Congressional District of South Carolina. Dr. Johnson's extensive background and his many leadership positions as a teacher, coach and administrator has laid the groundwork for him being named to the position of district superintendent.

Since 1991, Dr. Johnson worked for Rock Hill School District Three, beginning as assistant principal at the Rock Hill High School. After serving as assistant principal and principal for Sunset Park Elementary School, he moved to the district office in 1998 as director of student services. In 2001, he was named assistant superintendent.

His dedication to making a difference in education propelled him to earn his superintendent position, and rightfully so. I congratulate Darrell Johnson for being able to excel in this capacity where he may apply his natural ability to lead those who are most important to our future, our students.

HEALTH CARE REFORM

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

Mr. MURPHY of Connecticut. Mr. Speaker, when it comes to health care, I agree with the President in one respect, it is time to start redistributing resources within our health care system. The problem comes when we talk about where we bring those resources from.

The President's plan that he put before us in his State of the Union speech and in his budget presented to this House yesterday would take resources from families who have good insurance and give it to families who have no insurance.

I would propose instead, and many of my colleagues on this side of the aisle would propose instead, that we take resources from the HMOs that have enjoyed massive profits off our Medicare systems, to take money from the drug companies who have enjoyed the pleasure of not having to negotiate with the bulk purchasing power of the Federal Government, and redistribute resources from those that are making millions of dollars of profit off this system and put those resources into the hands of those who have nothing.

We can agree on some things. We can agree that this health care system has to be made better. It is just a matter of where we take and who we give it to.

GO RED FOR WOMEN DAY AND THE AMERICAN HEART ASSOCIATION

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

Mrs. CAPITO. Mr. Speaker, I rise today to recognize February as National Heart Month. Heart disease is the number one killer of women in America, taking the lives of nearly half a million women a year. That is one per minute.

It claims the lives of more women than the next five causes of death. In my home State of West Virginia, heart disease kills 12 women per day. That is 31 percent of all female deaths between the years of 1999 to 2003.

On February 2, people from across the Nation participated in Go Red for Women Day to support the fight against heart disease. Go Red for Women is the American Heart Association's nationwide movement that celebrates the energy, passion and power we have as women to band together and fight this disease.

Too few people realize the threat associated with heart disease. The good news is that heart disease can largely be prevented. By learning all of the serious health threats such as high blood pressure, high cholesterol, diabetes, obesity, we can work to reduce our risks.

Go Red for Women is an innovative way to raise awareness of heart disease, and 64 percent of women who died of coronary heart disease had no symptoms. We have to take action for our hearts. By joining together across America, we can help support ongoing research and education about women and heart disease. When we wear our red, it reminds us of our responsibility.

I urge my colleagues to join together in celebrating National Heart Health Month.

WASTEFUL SPENDING IN IRAQ

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

Mr. GRIJALVA. Mr. Speaker, as the President gets ready to ask this Congress for an additional $145 billion to fund his efforts in Iraq and Afghanistan, a new report has come out showing tens of millions of dollars in wasteful spending by our government in Iraq.

Stuart Bowen, the Special Inspector General for Iraqi Reconstruction, released his quarterly report last week. It concluded that the $300 billion U.S. war and reconstruction effort is plagued with waste, spiraling violence, and corruption. Among the worst misuses are $43.8 million for a residential training camp that stands empty, about $4.2 million for 20 VIP trailers and an Olympic-sized pool that was ordered by the Iraqi ministry of interior.

Perhaps the most disconcerting, however, is that our government spent $36.4 million for armored vehicles, body armor and communications equipment that could greatly benefit our troops, but it is completely unaccounted for. Mr. Speaker, this abusive spending in Iraq must stop for the American taxpayer and for the troops.

LENAWEE COUNTY, ONE OF THE 100 BEST COMMUNITIES FOR YOUNG PEOPLE

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

Mr. WALBERG. Mr. Speaker, I come before the House today to draw attention to an honor recently received by my home community back in Lenawee County, Michigan. America's Promise—The Alliance for Youth, a foundation formed in 1997 to help children and youth from all socioeconomic sectors in the United States, recently named Lenawee County one of the 100 best communities for young people as part of its 10-year anniversary celebration.

The criteria for winning included strong community support of children and youth, possessing valuable resources for children and youth, youth and child outcomes, overall progress within communities, and innovations in the areas of policy, practice, and resources.

Communities in 38 States received this award and Lenawee County is one of the five communities in the Great Lakes State to be named a winner. This recognition is a tribute to all of the police officers, local officials, firefighters, outstanding teachers, community leaders and civil servants that make Lenawee County and south-central Michigan a great place to live.

DEPARTMENT OF PEACE AND NONVIOLENCE

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

Mr. KUCINICH. Mr. Speaker, yesterday a bill was introduced into the House of Representatives that gives

the promise of transforming our country and the world. H.R. 808 creates a Department of Peace and Nonviolence. It is now supported by 52 Members of the House of Representatives, and it is supported by groups who yesterday came to Washington representing 45 States. Last night, nearly 1,000 people came to the George Washington University campus to hear about the Department of Peace and the hope that it brings for America.

Mr. Speaker, if you were to look at this clerk's desk, just around the corner you will see engraved right into the desk of the clerk of the House of Representatives the word ''peace.'' Peace is a foundational principle of this Congress and of this country, and the bill gives it a chance to have an animating power in our civic life by addressing the issues of domestic violence, spousal abuse, child abuse, violence in the schools, racial violence, all of those concerns we have both domestically and internationally.

Peace.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BAIRD). The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the rules of the House.

CONTINUE FUNDING OUR TROOPS IN IRAQ

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

Mr. GINGREY. Mr. Speaker, in the other body yesterday, under the leadership of Senator REID, the gentleman from New Hampshire, Senator GREGG, had a resolution supporting the funding of our troops, and the Senate leadership prevented that resolution from being brought to the floor under regular order because they wanted first to bring a resolution condemning the President.

Now the Speaker of the House has announced that next week we will have a resolution brought to the floor of this body condemning the President's plan for a new way forward in Iraq.

I challenge the Speaker and the Democratic leadership, if that resolution is on this floor, to bring forward also the resolution of a true war hero, Representative SAM JOHNSON of Texas, supporting the continued funding of the troops in Iraq.

We have heard Members on the other side of the aisle continue to say we can and will, if necessary, cut off funding. This will give them an opportunity to put their money where their mouth is.

SUPPORT AND FULLY FUND OUR TROOPS

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

Mrs. BLACKBURN. Mr. Speaker, we do know that the war in Iraq will come up for debate in this body, as it should. But the debate on this floor should not be about partisan politics. It should be about doing what is in the best interests of our troops, making certain that we win in this global war on terror, and how we are going to keep this Nation and our communities and our cities safe.

I recently read a quote from Specialist Tyler Johnson. He is serving his first tour of duty in Iraq. When asked about the criticism back home, he said that passing no-confidence resolutions does send a message to our troops overseas: ''You may support or say we support the troops, but you're not supporting what they do, what they're here sweating for, what we bleed for, what we die for. It all just doesn't make sense to me.''

Mr. Speaker, I agree with Tyler and our troops. Passing no-confidence resolutions does send a message, and it is not a message of courage, of confidence and strength.

I agree, let's support Sam Johnson's House Resolution 511. Stand with and fully fund our troops.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

BAINBRIDGE ISLAND JAPANESE AMERICAN MONUMENT ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 161) to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes.

The Clerk read as follows:

H.R. 161

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 ''Bainbridge Island Japanese American Monument Act of 2007''.

SEC. 2. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Minidoka Internment National Monument, located in the State of Idaho and established by Presidential Proclamation 7395 of January 17, 2001, is adjusted to include the Nidoto Nai Yoni (''Let it not happen again'') memorial. That memorial—

(1) commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II under Executive Order 9066: and

(2) consists of approximately 8 acres of land owned by the City of Bainbridge Island, Washington, as depicted on the map titled ''Bainbridge Island Japanese American Memorial'', numbered 194/80,003, and dated September, 2006.

(b) MAP.—The map referred to in subsection (a) shall be kept on file and made available for public inspection in the appropriate offices of the National Parks Service.

SEC. 3. ADMINISTRATION OF MONUMENT.

(a) ADMINISTRATION.—The Secretary of the Interior (hereinafter in this section referred to as the ''Secretary'') shall administer the Nidoto Nai Yoni Memorial as part of Minidoka Internment National Monument in accordance with—

(1) Presidential Proclamation 7395 of January 17, 2001;

(2) laws and regulations generally applicable to units of the National Park System, including the Act of August 25, 1916 (popularly known as the ''National Park Service Organic Act,''; 16 U.S.C. 1 et seq); and

(3) any agreements entered into pursuant to subsection (b).

(b) AGREEMENTS.—

(1) For the purposes of defining the role of the National Park Service in administering the Nidoto Nai Yoni Memorial owned by the City of Bainbridge Island, the Secretary is authorized to enter into agreements with—

(A) the City of Bainbridge Island;

(B) the Bainbridge Island Metropolitan Park and Recreational District;

(C) the Bainbridge Island Japanese American Community Memorial Committee;

(D) the Bainbridge Island Historical Society;

(E) successor entities to the entities named in subparagraphs (A) through (D); and

(F) other appropriate individuals or entities, at the discretion of the Secretary.

(2) In order to implement an agreement provided for in paragraph (1), the Secretary may—

(A) make grants to the City of Bainbridge Island for development of an administrative and interpretive facility for the Nidoto Nai Yoni Memorial;

(B) enter into a cooperative management agreement with the City of Bainbridge Island, pursuant to section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l); popularly known as the ''National Park System General Authorities Act''), for the purpose of providing assistance with operation and maintenance of the memorial;

(C) make grants to other non-Federal entities for other infrastructure projects at the memorial, subject to a match of non-Federal funding equal to the amount of a grant made pursuant to this paragraph; and

(D) make grants or enter into cooperative agreements with non-Federal entities to support development of interpretive media for the memorial.

(c) ADMINISTRATIVE AND VISITOR USE SITE.—The Secretary is authorized to operate and maintain a site in Seattle, Washington, for administrative and visitor use purposes associated with Minidoka Internment National Monument, using to the greatest extent practicable the facilities and other services of the Seattle unit of the Klondike Gold Rush National Historical Park.

(d) COORDINATION OF INTERPRETIVE AND EDUCATIONAL MATERIALS AND PROGRAMS.—The Secretary shall coordinate the development of interpretive and educational materials and programs for the Nidoto Nai Yoni Memorial and the Minidoka Internment National Monument site in the State of Idaho with the Manzanar National Historic Site in the State of California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I rise in strong support of H.R. 161, introduced by my colleague on the Natural Resources Committee, the gentleman from Washington State, Representative INSLEE.

This noteworthy legislation would authorize a memorial to commemorate the Japanese Americans of Bainbridge Island, Washington, who were the first Americans to be forcibly removed from their homes and relocated in internment camps during World War II.

The new memorial will serve as an important remembrance of a sad chapter in American history. Shortly after the Japanese attack on Pearl Harbor, President Franklin Roosevelt issued an executive order providing for the relocation of Japanese Americans living along the west coast.

On March 30, 1942, the relocation began at the Eagledale Ferry Dock, with 227 Bainbridge Island residents being forcibly removed to internment camps away from the coast. Eventually, more than 12,000 Japanese Americans in Washington State and more than 110,000 Japanese Americans along the west coast were relocated.

Public Law 107–363 directed the Secretary of the Interior to study the Eagledale Ferry Dock on Bainbridge Island, Washington, to determine the suitability of designing the site as a unit of the National Parks System. The study was to include an analysis of the historical events associated with the dock and the potential for preserving and interpreting the site.

On May 1, 2006, the Department of Interior transmitted to Congress the study report. The study recommended designating a memorial site on Bainbridge Island, and that memorial will be managed as a satellite site of the Minidoka Internment National Monument, an existing National Park System unit in Idaho. H.R. 161 would implement the recommendations contained in the study.

Mr. Speaker, I want to commend and congratulate my colleague, Mr. INSLEE, for his commitment and leadership in this matter. A hearing was held on a nearly identical measure last Congress, and Representative INSLEE arranged for the Subcommittee on National Parks to receive moving testimony from an internee whose photograph showing her holding her infant child has become a searing image of the internment.

I would also note that for most of us the internment of Japanese Americans was a historical event that we read about in history books, but for two of our colleagues it was part of their life experience. My colleagues, MIKE HONDA and DORIS MATSUI, spent part of their childhoods in internment camps. I want to acknowledge their experiences in this unfortunate episode in history.

Mr. Speaker, we strongly support passage of H.R. 161 and urge its adoption by the House today.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 161 and yield myself as much time as I may consume.

This legislation further recognizes a tragic period in our Nation's history by designating the ''let it not happen again'' Memorial on Bainbridge Island, Washington, as part of the Minidoka Internment National Monument in the State of Idaho.

While a hearing was held on this legislation in the 109th Congress, we are concerned that this bill has not gone through the markup process, where issues in this bill, such as its inclusion of 8 acres of land in the State of Washington in a monument over 700 miles away, could have been discussed.

Additionally, it is critical to point out that the National Park Service testified that this bill could divert scarce resources that are needed for existing parks and programs.

That being said, we will not oppose the bill.

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

Mr. GRIJALVA. Mr. Speaker, I would like to commend Congressman JAY INSLEE of Washington for bringing forth H.R. 161 and yield to him as much time as he may consume.

Mr. INSLEE. Mr. Speaker, today, when we pass the Bainbridge Island Japanese American Monument Act of 2007, we will be making a strong American statement. That statement will be that the power of fear will never again be allowed to overcome the promise of liberty. These are images we should never see again in America; and today, with the passage of this bill, we will make a strong American statement that they will not.

On March 30, 1942, the American Army, pursuant to an executive order by an American President, rounded up 227 Americans living on Bainbridge Island and marched them down the Eagledale Dock in Eagle Harbor of Bainbridge Island, Washington, surrounded by American soldiers, some having bayonets deployed. They were taken away to internment against their will, without trial and without recognition of their rights as citizens and their honor to serve America.

And now, today, when we are making the memorial on Bainbridge Island at the site of this dock, which is now being prepared and is under construction, we will be making an American statement that this cannot happen again.

The saying is ''Nidoto Nai Yoni, never let it happen again,'' and by making this part of our National Parks System, we will be making a statement that these images will never happen to any generation of any creed in America.

I want to note some of the people. This is a picture of a young fellow at that time named Frank Kinamoto. In this picture, Frank had his little tag. Everyone was given a little tag they had to wear with a number on it. Frank grew up to be a respected dentist on Bainbridge Island, and Frank has done personally what this legislation will do nationally. He has spent many years going around showing a collection of photographs telling young students why the protection of our civil liberties is critical and why we should never be overcome by fear again, and I pay respects to Frank and his efforts.

Another young woman at the time, who testified several months ago, who has been pivotal in this effort, Fumiko Hayashida, shown with her daughter here just before she was marched down that pier. Fumiko came to town, who is 95 years young, who is the oldest internee that we are aware of, to send Congress a message to make a national statement to memorialize this.

Now, there are three reasons I think it is important that we pass this bill.

First, although this was a tragic episode in American history, it was an episode involving patriotism because, and this is incredible to me, of the 227 people marched down that pier, 62 of them turned around and volunteered to serve their nation in World War II, and 62 of these people served with distinction. These people were the ultimate patriots. Having been sent to camps by Uncle Sam, to turn around and fight for the freedoms to which they were not entitled was the ultimate act of patriotism, and we honor them as an act of patriotism in this memorial.

Second, it is a memorialization of their neighbors. Many of their neighbors rallied around them. Many of their neighbors guarded some of their equipment to wait for them to come home. And Walt Widward, the publisher of the Bainbridge Island Review, was the only publisher on the western coast of the United States to editorialize against this violation of American values. That is something to memorialize.

But, most importantly, Nidoto Nai Yoni, never let it happen again. And this will be a statement to ourselves,

to our children, to our grandchildren, that, when we are in fear in this country, we should never lose that anchor of American civil rights and civil liberties in respect to what we are as Americans.

We have gone through these days in the last several years. We have experienced fear that sometimes has infected the discussion here in the Chamber; and when we go through and deal with our fears today, I think it is well that we take a lesson from history of 1942 to hew to the power of liberty, rather than the power of fear.

So I am happy today that we will pass this bill that will make this part of our National Parks System. I will invite all Americans to come visit us in Bainbridge Island. We will invite the world to come see that America is a country that makes mistakes but learns and improves. And this is a continuation of that American tradition of improving the American value system. So I am happy today this House will take this step.

I want to thank the Bainbridge Island community and all of those who worked on this project. Clarence Moriwaki, who has led the effort on Bainbridge Island, congratulations. And congratulations to America for always being an improving country.

Mr. GRIJALVA. Mr. Speaker, at this point, I would like to yield 6 minutes to my good friend and colleague from Oregon, Congressman WU.

Mr. WU. Mr. Speaker, I rise today to support H.R. 161, to expand the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial, which commemorates the Japanese Americans of Bainbridge Island, the Japanese Americans of Bainbridge Island, Washington, who were interned during World War II.

On February 19, 1942, President Franklin Roosevelt signed an executive order which forcibly removed approximately 120,000 Americans of Japanese ancestry from their homes, their friends, and their communities. They were incarcerated by this government for their ancestry. Just over 1 month after the executive order was signed, 227 Bainbridge island men, women, and children were sent to internment camps. They were the very first Japanese American families in the United States to be incarcerated.

We in the Pacific Northwest would like to think that we live in a better part of the country, in a part of the country where things are the way they ought to be. But sometimes the way we want things to be is not the way things happen or reality. Because these Japanese Americans were taken from their homes in the heart of the Puget Sound. They were sailed to Seattle. They were loaded onto trains for a 3-day journey to Manzanar, a concentration camp in California's Mojave Desert. These Americans were the very first Americans to be so detained, and the last of the detainees were not released until October of 1946, 4½ years after the signing of the executive order and over a year after the end of World War II.

But this chapter of our history did not end there. Upon release from the internment camps, Japanese Americans could not return to the lives that they had led before the tragic and misled executive order. I would like to submit further information about General DeWitt's decisions and recommendations, and I will do that at a different time, but during the period of internment, they had lost their homes, their businesses, and their livelihoods.

By commemorating Japanese Americans who were so detained, we ensure that this sad episode in our history will never be forgotten and hopefully not repeated, because we need to learn from the mistakes of the past.

Thirty years passed before the executive order was formally rescinded in 1976. In 1988, a Presidential apology was issued internees.

This is not an abstraction. This is not a theoretical debate. The Military Commissions Act passed by this Congress on September 30, 2006, potentially puts American citizens at risk of military detention. That is a plain reading of the Military Commissions Act. It was hotly debated between the then chairmen of two committees and this Member. It has been commented upon to a limited extent in the national press.

But I think that a fair reading of the Military Commissions Act would show you that if a person is just walking down the street and is detained by military authority for whatever reason, and we are not talking about aliens in Afghanistan, we are talking about someone walking down the streets of Portland, Oregon, or in Bainbridge Island. What could potentially happen to that person?

The better course under the Military Commissions Act is that they are subject to military justice, a very limited review by a military tribunal, and the end of that appeal road is the Secretary of Defense. That is actually the better course.

Now, I have to point out that there are 25 detainees in Guantanamo who, after 5 years of detention, have not had their first review yet; and I say that is the better course because the course that is actually more troubling under the Military Commissions Act is that if there is not a review, there is no appeal. There is no appeal to a civilian court. There is no habeas corpus, a doctrine which has served Anglo American societies well for almost a thousand years.

This memorial, which H.R. 161 helps us remember, is not an abstraction. It was real suffering for the Japanese Americans, for the Americans who were incarcerated. But it is also a reminder that, as was said of the executive order much later, when actions are taken by this government in an atmosphere of hysteria, great injustices can be perpetrated; and we need to be careful in our era lest we be put in a position to issue an apology decades from now.

Following the attack on Pearl Harbor, Hawaii passed under martial law, the writ of habeas corpus was suspended, and the military police took several hundred suspected spies and saboteurs of Japanese extraction into custody. But the very size of the Japanese community in Hawaii (nearly half the territory's population), and its vital importance to the islands' economy, foreclosed any thought of wholesale evacuation. The mainland community, however, was proportionately much smaller (in California, barely 1 percent of the population), more economically marginal and socially isolated, and long buffeted by racist pressures. The mainland Japanese for the most part kept warily to themselves, many of them toiling with exemplary efficiency on their family fruit and vegetable farms. Insular and quiescent, they were also internally riven by age and legal status. Their elders, the forty thousand first-generation immigrant Japanese, or Issei, were generally over the age of fifty and debarred from citizenship by the Immigration Restriction Act of 1924, a statutory impediment that perversely exposed them to the accusation that as non-citizens they were poorly assimilated into American society. A majority of their children, the eighty thousand second-generation Nisei, were under the age of eighteen. Born in the United States, they were also citizens. Alien and citizen alike, the peculiarly vulnerable Pacific Coast Japanese community was about to feel the full wrath of war-fueled hysteria.

Curiously, no clamor for wholesale reprisals against the mainland Japanese arose in the immediate aftermath of the Pearl Harbor attack. The Los Angeles Times soberly editorialized on December 8 that most of the Japanese on the Coast were ''good Americans, born and educated as such,'' and serenely foresaw that there would be ''no riots, no mob law.'' General John L. DeWitt, chief of the army's Western Defense Command, at first dismissed loose talk of mass evacuations as ''damned nonsense.'' He condemned any broadside assaults on the rights of the American-born Nisei. ''An American citizen, after all, is an American citizen,'' he declared. Individual arrests were another matter. Government surveillance, ongoing since 1935, had identified some two thousand potentially subversive persons in the Japanese community. Along with fourteen thousand German and Italian security risks nationwide, they were quietly rounded up in the last days of 1941. But those individual detentions stopped well short of wholesale incarcerations. ''I was determined,'' Attorney General Francis Biddle wrote, ''to avoid mass internment, and the persecution of aliens that had characterized the First World War.''

In fact, the immigrants whose loyalty had been questioned during World War I had then been freshly arrived and seemed to many observers unarguably alien. But by 1941 those older European groups were settled communities, well assimilated, their patriotism as well as their political loyalty actively cultivated by Roosevelt's New Deal. Though a surprising six hundred thousand Italians—more than 10 percent of the entire Italian-American community—remained Italian citizens and were automatically labeled ''enemy aliens'' after Mussolini's declaration of war, Roosevelt instructed Biddle to cancel that designation in a joyfully received announcement at Carnegie Hall, shrewdly delivered on Columbus Day 1942, just weeks before the congressional elections.

The Japanese were not so fortunate. As war rumors took wing in the weeks following Pearl Harbor, sobriety gave way to anxiety,

then to a rising cry for draconian action against the Japanese on the West Coast. Inflammatory and invariably false reports of Japanese attacks on the American mainland flashed through coastal communities. Eleanor Roosevelt's airplane, en route to Los Angeles on the evening of the Pearl Harbor attack, was grounded in the Midwest while the first lady telephoned Washington to check a radio message that San Francisco was under bombardment. Painters at Stanford University blacked out the skylight of the library's main reading room so that it could not serve as a beacon to enemy pilots. Carpenters hammered up dummy aircraft plants in Los Angeles to decoy Japanese bombers away from the real factories. Athletic officials moved the traditional New Year's Day football classic from the Rose Bowl in Pasadena, California; the game was played instead in North Carolina, presumably safe from Japanese attack. Japan's astonishing string of victories in the Pacific further unsettled American public opinion. Hong Kong fell on December 2, Manila on January 2, Singapore on January 25.

The release at the end of January of a government investigation of the Pearl Harbor attack proved the decisive blow. The report, prepared by Supreme Court Justice Owen J. Roberts, alleged without documentation that Hawaii-based espionage agents, including Japanese-American citizens, had abetted Nagumo's strike force. Two days later, DeWitt reported ''a tremendous volume of public opinion now developing against the Japanese of all classes, that is aliens and non-aliens.'' DeWitt himself, described by Biddle as having a ''tendency to reflect the views of the last man to whom he talked,'' soon succumbed to Rumor's siren. He wildly declared to an incredulous Justice Department official that every ship sailing out of the Columbia had been attacked by submarines guided by clandestine radio operators near the river's mouth. When evidence of actual attacks failed to materialize, DeWitt invoked the tortured logic that the very absence of any sabotage activity on the West Coast proved the existence of an organized, disciplined conspiracy in the Japanese community, cunningly withholding its blow until it could be struck with lethal effect. In February the respected columnist Walter Lippmann alleged that military authorities had evidence of radio communications between ''the enemy at sea and enemy agents on land''—a charge that FBI director J. Edgar Hoover had already advised Biddle was utterly without foundation. A radio technician from the Federal Communications Commission reviewed DeWitt's ''evidence'' of electronic signals and declared it hogwash. All 760 of DeWitt's suspicious radio transmissions could be accounted for, and not one involved espionage. ''Frankly,'' the technician concluded, ''I have never seen an organization [the U.S. Army's Western Defense Command] that was so hopeless to cope with radio intelligence requirements. The personnel is unskilled and untrained. Most are privates who can read only ten words a minute. . . . It's pathetic to say the least.''

But by this time facts were no protection against the building gale of fear and prejudice. ''Nobody's constitutional rights,'' Lippmann magisterially intoned, ''include the right to reside and do business on a battlefield.'' Lippmann's colleague Westbrook Pegler echoed him less elegantly a few days later: ''The Japanese in California should be under armed guard to the last man and woman right now,'' Pegler wrote in his widely read column, ''and to hell with habeas corpus until the danger is over.'' Unapologetically racist voices also joined the chorus. ''We're charged with wanting to get rid of the Japs for selfish reasons,'' a leader of California's Grower-Shipper Vegetable Association declared. ''We might as well be honest. We do. It's a question of whether the white man lives on the Pacific Coast or the brown man.'' Prodded by such sentiments, in early February 1942 DeWitt officially requested authority to remove all Japanese from the West Coast. It was impossible he claimed, to distinguish the loyal from the disloyal in the peculiarly alien and inscrutable Japanese community. The only remedy was wholesale evacuation. The same man who had said a month earlier, ''An American citizen, after all, is an American citizen,'' now announced, ''A Jap's a Jap. . . . It makes no difference whether he is an American citizen or not. . . . I don't want any of them.''

At the Justice Department several officials, including conspicuously Edward J. Ennis, director of the Alien Enemy Control Unit, as well as Biddle's assistant James H. Rowe, struggled to quell this irrationally mounting fury. Rowe denounced Lippmann and Pegler as ''Armchair Strategists and Junior G-Men'' whose reckless charges came ''close to shouting FIRE! in the theater; and if race riots occur, these writers will bear a heavy responsibility.'' Attorney General Biddle informed Secretary of War Stimson ''that the Department of Justice would not under any circumstances evacuate American citizens.'' But at a fateful meeting in the living room of the attorney general's Washington home on the evening of February 17, the gentle and scholarly Biddle buckled. Facing off against Assistant Secretary of War John J. McCloy and two army officers, Ennis and Rowe argued heatedly that DeWitt's request for evacuation orders should be denied. Unknown to his two subordinates, however, Biddle, new to the cabinet, unsure of his standing with Roosevelt, and overawed by the Olympian figure of Stimson, had told the secretary of war by telephone earlier in the day that he would not oppose DeWitt's recommendation. When this became clear, Rowe remembered, ''I was so mad that I could not speak. . . . Ennis almost wept.'' Even Stimson had grave misgivings. ''The second generation Japanese can only be evacuated,'' he wrote in his diary, ''either as part of a total evacuation, giving access to the areas only by permits, or by frankly trying to put them out on the ground that their racial characteristics are such that we cannot understand or even trust the citizen Japanese. This latter is the fact but I am afraid it will make a tremendous hole in our constitutional system to apply it.'' Despite his own reservations and the sputtering opposition of the Justice Department officials, Stimson advised the president that DeWitt should be authorized to proceed. The cabinet devoted only a desultory discussion to the matter. On February 19 Roosevelt signed Executive Order 9066. It directed the War Department to ''prescribe military areas . . . from which any and all persons may be excluded.'' No explicit reference to the Japanese was necessary. When Biddle feebly objected that the order was ''ill-advised, unnecessary, and unnecessarily cruel,'' Roosevelt silenced him with the rejoinder: ''[T]his must be a military decision.''

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 16, the Bainbridge Island Japanese American Monument Act of 2007. This important legislation will expand the boundaries of the federally-recognized Minidoka Internment National Monument to include the Nidoto Nai Yoni 'Let It Not Happen Again' Memorial in Bainbridge Island, Washington.

President Franklin Delano Roosevelt signed Executive Order 9066 that authorized the forcible removal and relocation of Americans of Japanese ancestry from the western United States nearly 3 months after the Imperial Japanese attack on Pearl Harbor precipitated the United States' entrance into World War II. Under the authority of Executive Order 9066, on March 24, 1942, Lieutenant General John DeWitt issued Civilian Exclusion Order No. 1, forcing the removal of the 227 Japanese Americans residing on Bainbridge Island.

This edict allowed Japanese Americans residing on Bainbridge Island only 6 days to sell their belongings, close their businesses, and pack up their lives before resettlement and internment in camps elsewhere in the United States. These Americans endured the additional burden and injustice of being congregated at Eagledale Ferry Dock under armed guard before transport to the mainland. Friends and neighbors converged as a symbolic gesture of unity and support for these Japanese Americans who were involuntarily removed from the community. They left behind all the belongings and possessions that they could not carry or wear. These Americans of Japanese ancestry were the first of over 100,000 Japanese Americans to be interned in remote and desolate camps. They were the first group of Japanese Americans to be stripped of their rights as American citizens under the authorities of Executive Order 9066.

Today, by authorizing this historical piece of land to be within the boundaries of the Minidoka Internment National Monument, we memorialize the sacrifices Japanese Americans made during World War II. We also would acknowledge through the enactment of this legislation the occurrence of an egregious infringement of American citizenship rights. By adopting this legislation we would provide an official record of our hope and determination that an act similar to this one is never repeated in the future. This site marks the beginning of the forced exodus of an entire ethnic minority from the western United States and today we hope to transform it into a means of educating future generations of the importance of civil liberties, especially in times of war.

This memorial, a short ferry boat ride from Seattle, is a fitting symbol of this disturbing and unfortunate chapter in American history. While the internment camps themselves are located in desolate areas, far away from everyday sight and thought, this monument, in the heart of the Pacific Northwest, will serve as a continual reminder of the patriotism of Japanese Americans during the Second World War and the mistakes that we should never let happen again. I urge my colleagues to join me in supporting this important legislation and I commend our colleague, the gentleman from Washington, Mr. INSLEE, for his sponsorship of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 161.

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

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

The yeas and nays were ordered.

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

COMMISSION TO STUDY THE POTENTIAL CREATION OF THE NATIONAL MUSEUM OF THE AMERICAN LATINO ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes, as amended.

The Clerk read as follows:

H.R. 512

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007''.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of the enactment of this Act as follows:

(1) The President shall appoint 7 voting members.

(2) The Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 3 voting members.

(3) In addition to the members appointed under paragraph (2), the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 1 nonvoting member.

(c) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(1) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(A) expertise in museum administration;

(B) expertise in fundraising for nonprofit or cultural institutions;

(C) experience in the study and teaching of Latino culture and history at the post-secondary level;

(D) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(E) extensive experience in public or elected service; or

(2) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

SEC. 3. FUNCTIONS OF THE COMMISSION.

(a) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (hereafter in this Act referred to as the ''Museum'').

(b) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(c) REPORT ON ISSUES.—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and the Congress on, the following issues:

(1) The availability and cost of collections to be acquired and housed in the Museum.

(2) The impact of the Museum on regional Hispanic- and Latino-related museums.

(3) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(4) Whether the Museum should be located within the Smithsonian Institution.

(5) The governance and organizational structure from which the Museum should operate.

(6) How to engage the American Latino community in the development and design of the Museum.

(7) The cost of constructing, operating, and maintaining the Museum.

(d) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under subsection (a) and the report submitted under subsection (c), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(e) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(b) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(c) TRAVEL EXPENSES.—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) FEDERAL ADVISORY COMMITTEE ACT.—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

SEC. 5. DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.

(a) DEADLINE.—The Commission shall submit final versions of the reports and plans required under section 3 not later than 24 months after the date of the Commission's first meeting.

(b) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to subsection (a).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for carrying out the activities of the Commission $2,100,000 for the first fiscal year beginning after the date of the enactment of this Act and $1,100,000 for the second fiscal year beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I rise in strong support of H.R. 512, which was introduced by my colleague from California, Representative BECERRA.

The legislation directs the establishment of a commission to study the potential creation of a National Museum of the American Latino, to be located here in Washington, D.C. The commission will be composed of 23 qualified individuals, with seven appointed by the President and the remainder appointed by the majority and minority leadership of the House and Senate.

Under H.R. 512, the commission would be required to prepare a plan of action for the establishment and maintenance of the museum, including recommendations for a legislative plan of action to create and construct the museum. The commission's plan would be due not later than 24 months after the date of the commission's first meeting.

Mr. Speaker, I am proud to be an original cosponsor of H.R. 512. Given the contributions that American Latinos have made and continue to make to the cultural and social history of the United States, this is a most fitting measure.

□ 1245

The legislation was the subject of hearings in the House last Congress, and I would note that a nearly identical measure passed the House on September 27, 2006.

As the face of this Nation is represented by many people, the museum would be an opportunity for all of

America to look at the diversity, to appreciate the many peoples that make up this great country of ours.

And I want to take this opportunity to also commend and congratulate my colleague from California, XAVIER BECERRA, for his leadership on this matter. He has worked very hard with many parties to bring this legislation to fruition.

Mr. Speaker, we strongly support H.R. 512 and urge the adoption of the legislation by the House today.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 512, and yield myself as much time as I may consume.

Latinos have played an integral part in American history since the founding of the United States. In fact, they were on the continent for more than two centuries prior to the signing of the Declaration of Independence. Despite the growth of Latino inclusion programs at the Smithsonian over the past decade, supporters of H.R. 512 believe that the ''mosaic portrayed in the Washington museums'' is incomplete without a museum dedicated to the community.

This bill passed the House in the 109th Congress, but we have concerns that this legislation requires the Secretary of the Interior to provide administrative services, facilities and funds for the operation of the commission. In a hearing on the bill, the National Park Service testified that the commission would fit better at the General Services Administration, whose mission is well suited to serve the commission. If the bill had been crafted this way, it would have enabled the Transportation and Infrastructure Committee to provide its expertise on these issues.

Despite these concerns, I support the bill, commend the authors, including Congresswoman ILEANA ROS-LEHTINEN for her persistence and hard work in helping craft this measure.

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

Mr. GRIJALVA. Mr. Speaker, I would like again to commend Congressman XAVIER BECERRA of California for bringing H.R. 512 before us and yield him as much time as he may consume.

Mr. BECERRA. Mr. Speaker, I would like to begin by thanking the committees of jurisdiction for helping move this legislation forward quickly.

Last session what we found was that we just ran out of time. This bill passed unanimously out of the House of Representatives, not a single opposing vote, and we came very, very close in the Senate to having this actually go to the desk of the President, where I am sure he would have signed it. Unfortunately, time became the enemy. And I hope that now, moving this quickly through the process, we will be able to give the Senate the time it needs to move through its process as well.

I want to thank my colleague and friend from Florida, Ms. ILEANA ROS-LEHTINEN, for her tireless efforts on behalf of this legislation. She and I have served as a, I hope, dynamic duo in trying to move this forward with all our colleagues who were supporting this legislation.

Many us believe that there is no place on this Earth like the National Mall that we have here in Washington, D.C. If anyone from Mars were to come and ask what is it like to be an American, I would send them directly to the National Mall and say, go through the museums that we have at the Smithsonian. Take a look at the various artifacts that give you a sense of our culture, our history, our heritage as a Nation; and you will have a better sense of what it means to be an American after that walk. It would probably take you a few weeks if you want to go through all the different museums, but you will have a better sense of what it means to be an American than, I think, if you go anywhere else in this world.

The only problem I have, and the only disappointment I have, is that you don't get the full picture of what it has meant to be an American. We have moved forward to try to take care of that over the years. We have a museum that recently opened in the last 4 or 5 years that will help us better understand what it has meant to be a Native American in this country. We are going to put shovel in ground very soon in trying to help America understand the history and the plight of many Americans of African descent who have come into this country and the generations that have followed, and what it means to be African American in this country.

I hope, at some point, this commission will report back to us on what best we can do as a Nation to make sure that when someone does walk through the Mall of the Capital and visits those precious museums that we have, that they will have that symphony and that understanding that comes from visiting those tremendous facilities of what it means to be an American and what it is to be proud of our American history and culture.

This legislation, which has the support, I am very glad to say, of a bipartisan group of Members in the House, should help us get a sense from the experts, not politicians, not people who have no real understanding of this, but from the experts of whether or not there is value in moving forward the idea of trying to have a place where we have resided within it, the culture, the experience, the history, the art, the heritage of Americans of Latino descent.

Mr. Speaker, I thank the gentleman from Arizona for yielding me the time; thank the two committees of jurisdiction and certainly all the cosponsors of this legislation, but principally to my colleague in crime here, the Congresswoman from Florida, Ms. ILEANA ROS-LEHTINEN.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), a coauthor of the legislation.

Ms. ROS-LEHTINEN. I rise in strong support today, Mr. Speaker, of H.R. 512, the commission to study the potential creation of a National Museum of the American Latino Community Act. And I would like to thank my dear friend, Mr. BECERRA of California, for his commitment in bringing this important legislation to the floor. We have been working on it for a number of years. It has got strong bipartisan support, and it has been a delight for me to have worked with him and members of my staff to have worked with his staff as well.

As the Republican lead on this legislation, I am so pleased that this bill will take the next step in developing a plan of action for an establishment of a National Museum of the American Latino.

The commission would be comprised of experts in art and museum administration, as well as individuals with experience in the development of similar cultural institutions. The commission would have the responsibility of examining and reporting to Congress and the President a plan to establish a new national museum.

Even as the largest minority group in the United States, Hispanic Americans, are not fully represented by one of the permanent exhibits in Washington's museums, currently there are over 42 million Hispanics in the United States. Furthermore, the Census Bureau estimates that in the year 2050, the Hispanic population in the U.S. will reach over 100 million.

As we can see, Hispanic Americans are our country's largest and fastest growing minority group, and they continue to expand and contribute to the greatness of our wonderful country.

As the first Hispanic American woman elected to Congress, I am so proud to advance the issues affecting all citizens living in our great country. I have been proud to represent my diverse south Florida constituency for many years now in Congress, and I look forward to a future that is, indeed, bright for individuals across our terrific country.

Hispanic Americans are playing an increasing role also in the Nation's economy and in our workforce. For example, according to the Office of Management and Budget, the unemployment rate among the Hispanic community dropped to 4.7, an all-time record low. This statistic demonstrates that the economic policies of lower taxes and less government regulations are working and that all Americans are benefiting from it.

The great diversity of ethnicities and nationalities of the many people of the United States is what makes our Nation strong, is what continues to be a home for many different cultures; and this national museum will signify our strong commitment to proudly exhibit America's rich cultural diversity.

Therefore, I ask all of my colleagues to join me in support of this important legislation to ensure that visitors to our Nation's Capital gain a more complete understanding of who we are as Americans.

Mr. GRIJALVA. Mr. Speaker, at this time I would like to yield as much time as he may consume to my good friend from California (Mr. BACA), for remarks on H.R. 512, in which he has been a participant and a hard worker getting the legislation to this point.

Mr. BACA. Mr. Speaker, I thank the gentleman from Arizona for allowing me the time to say a few words. And I want to raise my strong voice in support of H.R. 512. This is important legislation that would establish a commission to study the potential creation of a National Museum of the American Latino.

And I want to thank my good friend, XAVIER BECERRA, for sponsoring this bill and championing this cause, which is of great significance to many Hispanics, Latinos throughout the Nation, throughout the country, including myself.

This is a bipartisan legislation that basically asks for a study to create a National Museum of the American Latino. Bipartisan.

Currently, there are over 45 million Latinos in the United States, including Puerto Rico. The social, cultural and economic contributions of Latinos in the United States have an important history, an important history, and are growing daily. We must realize that.

American Latinos are natives to many different parts of the world. Some are from Puerto Rico, some are from South America, while others have roots and ties to Mexico. But while we hail from different countries, including from right here in the United States, we have different backgrounds, and many of us share a similar experience and a wealth of common values.

A national museum of the American Latino will help share this experience and the values not only with Latinos, but with all. It will be a sense of pride, tradition, culture and arts that would be exhibited to all Americans to see, all individuals.

I urge my colleagues to cast a vote in favor and understanding of heritage of all Americans and support this legislation.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield such time as he may consume to the ranking Republican of the Committee on House Administration, which also has jurisdiction over the bill, the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 512, which establishes a commission to study the possible creation of a national museum of the American Latino community. As you know, this bill mirrors H.R. 2134, which was referred to the Committee on House Administration in the last Congress and which I was pleased to guide through that committee and present to the House for passage on September 27 of last year. It is only our regret that it did not pass the Senate.

The Latino American community is often recognized for its rich traditions, its sense of community, and deeply rooted beliefs which are woven throughout the fabric of American history. As the Nation's fastest growing ethnic community, the Latino population in America has more than doubled in size in the last 10 years to over 40 million, and continues to grow.

The creation of a national museum of the American Latino community would enable Latino Americans to tell their story in their own words and would create a destination for students, families and visitors that would accurately depict Latino American history.

In order to explore the possibility of creating such a museum, the legislation before us specifies that a commission be created with 23 members, seven of whom would be appointed by the President, and three voting and are non-voting. Each would be appointed by the Speaker, the House Republican leader, the Senate majority leader, and the Senate Republican leader.

Once appointed, the commissioners would assess the cost of the museum, its impact on other Hispanic and Latino-related museums, identify a possible location for the museum, and propose guidelines on the museum's operation. The commission would also work closely with the Latino American community during the design and development phase to ensure that the museum accurately captures the Latino American experience.

I urge my colleagues to, once again, support this important legislation which is the first step in creating a national museum of the American Latino community that will serve as a testament to the vibrant history and tradition of Latino Americans. And I would just be delighted to eventually see this constructed.

Now, Mr. Speaker, at the risk of being the skunk at the garden party, I would like to add a postscript expressing my concern about the proliferation of museums on the Mall and what this may do to the Mall. As you recall, the Mall was designed many, many years ago as a gathering place for America, and it has nobly served that purpose. I believe it is very important that we, in building any additional museums, not impinge on that intent.

□ 1300

So establishing location is I think going to be one of the most difficult parts of the work of this Commission, and I wish them well. But I think it is extremely important that we preserve the National Mall as the gathering place for America and make certain that any additional buildings on the Mall fit well with that purpose.

Ms. MILLENDER-MCDONALD. Mr. Speaker, as chairwoman of the Committee on House Administration, which shares jurisdiction over H.R. 512 with the Committee on Natural Resources, I urge my colleagues to move quickly so that the bill can become law this year and we can begin the process of planning a National Museum of the American Latino here in Washington, D.C.

I congratulate Representative BECERRA and Representative ROS-LEHTINEN for their leadership in introducing this legislation and for their hard work in pushing it successfully through the House last year.

Persons of Hispanic, or Latino, descent have lived in the Western Hemisphere for 500 years. In the United States, they have become the largest minority group, and their impact will only grow stronger in the future. The culture of the Americas reflects a unique mixture of what was brought from Europe, inherited from the indigenous Native Americans, contributed by Africans forced to come here during the era of slavery, and stirred in the melting pot of interaction with later immigrants from all around the world.

I am pleased to support consideration of a Latino Museum which I hope would undertake serious scholarly research, as well as create and display exhibits to tell the story of the American Latino to an ever growing population which will be increasingly exposed to such cultural influences in the years ahead. This is a project which all Americans can enthusiastically embrace.

Our Committee on House Administration worked for years with the gentleman from Georgia, Representative JOHN LEWIS, to establish the Smithsonian African American Museum which finally became law in 2003. That legislation worked its way through Congress over a period of 17 years, passed the House and the Senate in different forms during that time, and then was successfully revived and studied by a Commission appointed by the President and Congress.

Mr. Speaker, that Commission worked through 2002 and early 2003 to compile information and recommendations for Congress to use in considering whether to finally establish the museum, and in what form. While we did not accept all of the Commission's recommendations, I found that it provided invaluable focus and momentum in moving the project forward.

H.R. 512, and any future legislation to establish a new museum which may spring from it, will hopefully enjoy a less tortuous path to a successful conclusion. The Commission to be created relating to the Museum of the American Latino is largely patterned after the African American Museum Commission, and this time we are considering establishing the Commission at the beginning of the process of studying a museum rather than near the end.

The new Commission will examine, among other issues, whether this new museum should be part of the Smithsonian Institution, as is the new African American Museum. The Smithsonian has unique expertise in both museum governance and successfully presenting information which tells a story in both educational and entertaining ways.

Mr. Speaker, I urge passage of this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today I rise in strong support of H.R. 512, the Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007, which would recognize the tremendous cultural contributions of the American Latino community.

I am proud to be an original cosponsor of H.R. 512, which would create a 23 member commission responsible for developing a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC. Specifically, this commission would be tasked with bringing experts, policymakers, and other interested parties together to discuss a viable blueprint for the museum. The commission would also design a public-private partnership to fund the museum. These recommendations would be reported to Congress within 24 months of the bill being signed into law.

During my tenure as Ranking Member of the House Administration Committee in the 108th Congress, the committee held a long overdue hearing on this legislation. In the 109th Congress, I was a cosponsor of this legislation and it passed in the House by a voice vote on September 27, 2006. Unfortunately, the Senate was unable to pass this bill before the adjournment of the 109th Congress.

The Latino population in the United States is estimated at 42.7 million, making the community the fastest growing group in the country. They also have a rich heritage in this country that is worth celebrating. I am hopeful that we can finally get this bill to the President's desk for signature and get the process underway for establishing this important museum. As a former high school history teacher, I believe that passage of this legislation is crucial in educating all Americans of our nation's cultural diversity.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 512, as amended.

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

A motion to reconsider was laid on the table.

ALLOWING FOR RENEGOTIATION OF PAYMENT SCHEDULE OF CONTRACTS BETWEEN SECRETARY OF THE INTERIOR AND REDWOOD VALLEY COUNTY WATER DISTRICT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 235) to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes, as amended.

The Clerk read as follows:

H.R. 235

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

SECTION 1. RENEGOTIATION OF PAYMENT SCHEDULE.

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

''(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14–06–200–8423A and 14–06–200–8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).''.

(2) By striking subsection (c).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in very strong support of H.R. 235, as amended. This legislation will allow the Redwood Valley County Water District in Northern California to renegotiate loans it received from the Federal Government for an unsuccessful water project. This action will clear the way for the Water District to initiate a new project that will develop a reliable supply of drinking water for that area. The District will rely only on private financing for the new project. No Federal money will be spent on this new project.

However, before the District can secure private financing for any project, it must renegotiate the existing loans to provide for their repayment subsequent to repayment of the new loan. Once the new project is built and delivering water, it will provide enough revenue to allow the District to repay both its private loan and the United States Government.

Specifically, this legislation allows the Redwood County Valley Water District to secure a private loan for a project to provide the region with a reliable water supply. It also requires the Water District to repay its current suspended loan to the Federal Government once the renewed water project is paid for.

In consultation with the minority, the legislation includes a minor amendment to clarify the requirement that the Secretary of the Interior must reschedule loan payments and that the payments must begin immediately upon satisfaction of the Water District's newer financial obligation.

Similar legislation was passed by this House in the 109th Congress; and I congratulate my colleague, Congressman MIKE THOMPSON, for all of his hard work on behalf of the Redwood Valley County Water District.

I do urge my colleagues to support passage of H.R. 235, as amended.

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

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

Mr. Speaker, I rise in reluctant support of H.R. 235.

There were many last-minute questions about this bill mainly because a hearing wasn't held on it. I hope this will not be the standard procedure for how the majority party brings legislation to the House floor. That is why I am pleased that the majority has made additional inquiries regarding this bill and has decided to offer an amendment to address some concerns. With this amendment, I will not oppose the legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 235, as amended.

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

A motion to reconsider was laid on the table.

REMOVING CERTAIN RESTRICTIONS ON MAMMOTH COMMUNITY WATER DISTRICT'S ABILITY TO USE CERTAIN PROPERTY ACQUIRED FROM THE UNITED STATES

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 356) to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

The Clerk read as follows:

H.R. 356

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

SECTION 1. REMOVAL OF CERTAIN RESTRICTIONS ON PROPERTY.

Notwithstanding Public Law 90–171 (16 U.S.C. 484a; 81 Stat. 531), the approximately 25 acres patented to the Mammoth County Water District (now known as the ''Mammoth Community Water District'') by Patent No. 04–87–0038, on June 26, 1987, and recorded in Volume 482, at page 517, of the official records of the Recorder's Office, Mono

County, California, may be used for purposes other than the purpose for which those lands were being used prior to the conveyance to the Mammoth County Water District and such lands may be transferred as authorized under State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 356 removes congressionally imposed restrictions on the use of lands transferred in 1987 from the United States to the Mammoth Community Water District in California. This legislation would allow the District to modify the use of these lands so that those 12 acres of land now used for material storage may be put to a more beneficial use.

In 2004, the Subcommittee on Water and Power held a hearing on similar legislation. In the 109th Congress, similar legislation was favorably reported by the committee and passed by the House.

We have no objections on this noncontroversial bill.

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

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

Mr. Speaker, I rise in support of H.R. 356. H.R. 356, introduced by our colleague from California, BUCK MCKEON, removes land use restrictions on property acquired from the Forest Service by the Mammoth Community Water District in Mono County, California.

In 1987, the U.S. Forest Service conveyed 25 acres to the Water District under land use conditions at the time. Of these lands, 12 acres are now needed for different uses, including much-needed water utility operations. Implementation of this noncontroversial bill will ultimately benefit the local water consumer and will adhere to all Federal, State, and local environmental laws.

I urge my colleagues to support this commonsense legislation.

Mr. MCKEON. Mr. Speaker, I rise today to offer my strong support for HR 356, legislation I introduced earlier this year to remove restrictions on 25 acres of land patented to the Mammoth County Water District.

Prior to 1987, the District occupied this land through a special use permit with the Forest Service. Of these 25 acres, 12 acres were used for the storage of materials, and prior to 1987, for oxidation ponds, which had become obsolete by that year.

After that time, Congress passed Public Law 97–465 that allowed these lands to be transferred directly to the District. While the law allowed for acquisition of these lands, it also directed that they could only be used for those purposes prior to the time of the conveyance.

Today, however, these 12 acres are no longer needed for the storage of materials and the community would like to utilize this land in a more economically and socially viable manner.

Such restrictions as those currently placed on the aforementioned acreage hinder the Mammoth community's ability to respond to the growing needs of its citizens and visitors.

As such, passage of this legislation would allow the town to accommodate for the growing economic and social needs of the region. In particular I am pleased to inform my colleagues of plans to use these acres for enhanced emergency services availability for the people of Mammoth Lakes.

I would like to express my deep appreciation to Chairman RAHALL for bringing this legislation to the floor and ask my colleagues to support its passage here today.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 356.

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

A motion to reconsider was laid on the table.

□ 1315

YAKIMA-TIETON IRRIGATION DISTRICT CONVEYANCE ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 386) to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District.

The Clerk read as follows:

H.R. 386

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 ''Yakima-Tieton Irrigation District Conveyance Act of 2007''.

SEC. 2. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled ''Agreement Between the United States and the Yakima-Tieton Irrigation District to Transfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District'' (Contract No. 5–07–10–L1658).

(b) LIABILITY.—Effective upon the date of conveyance under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurence relating to the conveyed buildings and lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act), on the date of the enactment of this Act.

(c) BENEFITS.—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project; and

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits that would be available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) REPORT.—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report that explains the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 386 would transfer title for approximately 9 acres of land and several buildings to the Yakima-Tieton Irrigation District. The terms of the transfer are included in a formal agreement between the Bureau of Reclamation and the irrigation district. Other parts of the reclamation project, including the Tieton diversion dam and associated canals, would not be affected.

In the 109th Congress, the Subcommittee on Water and Power held a hearing on similar legislation. That bill was favorably reported by the committee and passed by this House. We have no objection to this legislation.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 386 and yield myself such time as I may consume.

Mr. Speaker, H.R. 386, sponsored by our colleague, the gentleman from Washington (Mr. HASTINGS), conveys 9 acres of federally owned land and administrative buildings to the Yakima-Tieton Irrigation District in Washington State. No project facilities, such as dams, diversion structures or canals, are included in this title transfer. The transfer has been in the works for almost a decade.

This legislation, also introduced by the junior Senator from Washington State, will enhance more private ownership and decrease the Federal Government's liability. It is a win for the local community and a win for the American taxpayer.

I urge my colleagues to support this important bipartisan legislation.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, H.R. 386 is a pretty straightforward bill. This legislation would authorize the transfer of about 9 acres of Federal property along with a few associated structures from the Bureau of Reclamation to the Yakima-Tieton Irrigation District in central Washington.

The irrigation district has fully repaid its obligations to the Federal Government related to these properties and now simply pays the bureau for their operation and maintenance. This conveyance would enable the irrigation district to make needed improvements, while allowing the bureau to focus its limited resources where they are more urgently needed.

This legislation is based on a formula agreement negotiated between the bureau and the Yakima-Tieton Irrigation District in 2004. I commend the irrigation district and the staff of the bureau for working together at the local level to resolve the concerns of the parties involved.

Mr. Speaker, this same legislation passed unanimously during the previous Congress, but didn't get through during the final parts of the session. So I urge my colleagues to support this bill again today so that we may move it on to the other body.

I want to thank Chairman RAHALL and Ranking Member YOUNG of the Natural Resources Committee and their staff for their assistance in expediting this bill.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 386.

The question was taken.

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

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

The yeas and nays were ordered.

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

AMERICAN RIVER PUMP STATION PROJECT TRANSFER ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 482) to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

The Clerk read as follows:

H.R. 482

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 ''American River Pump Station Project Transfer Act of 2007''.

SEC. 2. AUTHORITY TO TRANSFER.

The Secretary of the Interior (hereafter in this Act referred to as the ''Secretary'') shall transfer ownership of the American River Pump Station Project located at Auburn, California, which includes the Pumping Plant, associated facilities, and easements necessary for permanent operation of the facilities, to the Placer County Water Agency, in accordance with the terms of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency and the terms and conditions established in this Act.

SEC. 3. FEDERAL COSTS NONREIMBURSABLE.

Federal costs associated with construction of the American River Pump Station Project located at Auburn, California, are nonreimbursable.

SEC. 4. GRANT OF REAL PROPERTY INTEREST.

The Secretary is authorized to grant title to Placer County Water Agency as provided in section 2 in full satisfaction of the United States' obligations under Land Purchase Contract 14–06–859–308 to provide a water supply to the Placer County Water Agency.

SEC. 5. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) IN GENERAL.—Before conveying land and facilities pursuant to this Act, the Secretary shall comply with all applicable requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(3) any other law applicable to the land and facilities.

(b) EFFECT.—Nothing in this Act modifies or alters any obligations under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 6. RELEASE FROM LIABILITY.

Effective on the date of transfer to the Placer County Water Agency of any land or facility under this Act, the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, consistent with Article 9 of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 482 directs the Secretary of the Interior to convey certain lands and the water pumping facility under construction on the American River to the Placer County Water Agency in California. Currently, the Bureau of Reclamation is obligated by a previous agreement to supply temporary pumping service to satisfy the water rights of the Placer County Water Agency. This temporary pumping is done at considerable cost to the Bureau of Reclamation. The American River Pump Station will provide a permanent facility for the delivery of water to that agency.

H.R. 482 allows the bureau to satisfy its contractual obligations by transferring this facility and eliminates the continued cost of providing temporary pumping service to that agency.

In the 109th Congress, the Subcommittee on Water and Power held a hearing on similar legislation, and the bill was subsequently favorably reported by the committee and passed by the House. We have no objections to this legislation.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 482, and yield myself such time as I may consume.

Mr. Speaker, H.R. 482, introduced by our colleague, the gentleman from California (Mr. DOOLITTLE), directs the Secretary of the Interior to transfer ownership of the American River Pump Station Project to the Placer County Water Agency in Northern California. To facilitate construction of the Auburn Dam nearly 40 years ago, the Federal Government removed a locally owned pump station located at the dam site.

The dam was never built. Now the Federal Government is building a permanent pump station to replace the

one it removed years earlier. Under an agreement, the Federal Government must transfer the pump station to the local water users once construction is complete. Before the transfer can take place, congressional authorization is needed, and this legislation achieves that purpose.

Mr. Speaker, I urge my colleagues to support this commonsense bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DOOLITTLE), the author of the bill.

Mr. DOOLITTLE. Mr. Speaker, I would like to thank the chairman of the committee, Mr. RAHALL, and the ranking member, Mr. YOUNG, and also thank Mrs. NAPOLITANO and Mrs. MCMORRIS RODGERS for their help on this legislation.

This has been quite a few years in production. The pump station is almost complete. It will be completed next year sometime, we anticipate; and we would like to have this last detail of the transfer put in order.

You have heard the explanation as to why we need the legislation, fulfilling an obligation made by the Federal Government years ago to the Placer County Water Agency.

I am very appreciative to our colleagues for bringing this bill up and urge its passage.

Mr. Speaker, I am pleased to be here today in support of H.R. 482, the American River Pump Station Project Transfer Act. This legislation will authorize the transfer of ownership of the American River Pump Station, located in Auburn, CA, to the Placer County Water Agency (Agency). I would like to thank the Chairman and Ranking Member of the Natural Resources Committee for bringing this legislation to the floor in such a timely manner.

During the 1960s, the Bureau of Reclamation (Bureau) acquired the site of the original American River Pump Station and removed it to facilitate contraction of the Auburn Dam. When construction of the dam was halted, the Agency was left unable to meet its water needs. Since 1990, the Bureau has installed seasonal pumps to help the Agency provide water during the dry summer. Unfortunately, these pumps need to be removed each winter and reinstalled in time for the summer months. This is an expensive process that leaves the Agency without the long-term water-use certainty it needs. To remedy this situation, a new American River Pump Station will be constructed by the Bureau, and this legislation is needed to authorize the transfer of that station to the local agency for future operations.

This legislation is supported by the Bureau, the Agency and the local elected officials, and I appreciate all their hard work in this endeavor. I would specifically like to thank the members of the Placer County Water Agency: Current Board Chairman Lowell Jarvis; board members Alex Ferreira, Otis Wollen, and Mike Lee; and new board member Grey Allen have all worked to enable the Agency to meet the water-use needs of the community it serves. I also want to recognize former board member Pauline Roccucci who spoke with me many times on this issue. I want to thank General Manager Dave Breninger, who has been and remains a tireless and passionate advocate of the permanent pump station and Strategic Affairs Director Einar Maisch who offered strong testimony in support of this bill and helped us to get here today.

As the completion of the pump station will provide regional benefits to so many in Western Placer County, I want to thank the City Councils in Rocklin and Lincoln and our County Board of Supervisors for their steadfast support of this critical project. I would also be remiss for not recognizing the commitment and dedication of two local U.S. Bureau of Reclamation staff: Regional Director Kirk Rodgers and Central Area Office Manager Mike Finnegan.

This entire group made up the team which worked for years in advancing the permanent American River Pump Station to get us to the point we are at today, and it is with them in mind that I urge my colleagues to join me in supporting H.R. 482.

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

Mr. Speaker, I thank my colleague, Mrs. MCMORRIS RODGERS. Hopefully, we will be able to continue working in a bipartisan manner to get these very, very critical projects going and approved and moving out of this House. I am sure that we are going to have others that are just equally important. I hope the same consideration is given to all those.

Mrs. MCMORRIS RODGERS. Mr. Speaker, let me just say congratulations to the chairman of the Water and Power Subcommittee. I do look forward to working with her on a bipartisan basis to move many of these projects forward, important projects, all across the country.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 482.

The question was taken.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 161, by the yeas and nays;

H.R. 386, by the yeas and nays.

The postponed vote on H.R. 482 will be taken tomorrow.

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

BAINBRIDGE ISLAND JAPANESE AMERICAN MONUMENT ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 161.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 161, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 76]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
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
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston

Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
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 (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
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—15

Bono
Buyer
Carter
Conaway
Costa
Davis, Jo Ann
Davis, Lincoln
Hastert
Lampson
McHenry
Norwood
Peterson (PA)
Pryce (OH)
Rothman
Royce

□ 1351

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

YAKIMA-TIETON IRRIGATION DISTRICT CONVEYANCE ACT OF 2007

The SPEAKER pro tempore (Mr. BAIRD). The pending business is the question of suspending the rules and passing the bill, H.R. 386.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 386, 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 417, nays 0, not voting 17, as follows:

[Roll No. 77]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
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
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
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 (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
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Peterson (MN)
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Pickering
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Pomeroy
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Price (GA)
Price (NC)
Putnam
Radanovich
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Ramstad
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Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
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
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Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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Thompson (CA)
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Thornberry
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Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
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Wasserman Schultz
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Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Bono
Buyer
Capito
Carter
Conaway
Costa
Davis, Jo Ann
Davis, Lincoln
Hastert
Lampson
McHenry
Norwood
Nunes
Peterson (PA)
Pryce (OH)
Rothman
Royce

□ 1400

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2007.

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

DEAR SPEAKER PELOSI: This is to inform you that I am resigning my position as Clerk of the House effective midnight on February 14, 2007. Thank you for the honor of renominating me to serve in the position of Clerk of the House in the 110th Congress.

It has been an honor to serve the House of Representatives and to work with so many dedicated individuals. I will especially miss those hardworking men and women in the Office of the Clerk. Our Nation is a stronger place because of their efforts.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2007.

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

DEAR SPEAKER PELOSI: This is to inform you that I am resigning my position as Chief Administrative Officer of the House of Representatives effective at midnight on February 14, 2007. Thank you for the honor of renominating me to serve in the position of Chief Administrative Officer in the 110th Congress.

Sincerely,

JAY EAGEN,
Chief Administrative Officer.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTING OFFICERS OF THE HOUSE OF REPRESENTATIVES

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 129) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 129

Resolved, That Lorraine C. Miller of the State of Texas, be, and is hereby, chosen Clerk of the House of Representatives, effective February 15, 2007; and

That Daniel P. Beard of the State of Maryland be, and is hereby, chosen Chief Administrative Officer of the House of Representatives, effective February 15, 2007.

Mr. HOYER. Mr. Speaker, I would like to have an opportunity to speak on the resolution before its immediate adoption.

The SPEAKER pro tempore. The Chair will distribute the time.

The gentleman from Maryland (Mr. HOYER) and the gentleman from Michigan (Mr. EHLERS) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, we will not take, certainly, the hour that is allotted; but I first of all want to say something about the two individuals who have just resigned their appointments as Clerk and as Chief Administrative Officer of the House of Representatives.

Mr. Speaker, I had the opportunity to serve from 1987 to 2000 on the House Administration Committee and worked with my friend, Mr. EHLERS, Mr. THOMAS, and others. I was a member of the House Administration Committee on which Vic Fazio, our former colleague from California, was the ranking member. He and Mr. THOMAS came together and selected Jay Eagen to be the Chief Administrative Officer.

I think it would be inappropriate if I did not rise and congratulate Mr. Eagen on the job that he has done. I believe that Jay Eagen has brought a degree of professional management to this House of Representatives, which has been a credit to the institution and a credit to all of the Members, and a credit, I might say, to my colleagues on the Republican side, to the Republican leadership on this issue, and I congratulate them for that.

Mr. Eagen is someone who has worked on this Hill for many years. He will be leaving the Hill and leaving this city and moving his family to the west, and we wish him the very, very best.

Mr. Speaker, Karen Haas, who has been the Clerk and who submitted her resignation is, as well, someone who has worked for this institution, cares deeply about the House, and has comported herself, although for a relatively short period of time as the Clerk of our House, in a way that brought honor to the Office of Clerk and brought credit to the House of Representatives.

I know from my perspective personally and from Speaker PELOSI, and I both want to, on behalf of our caucus, extend to them our deepest thanks and gratitude for the service that they have rendered to the House of Representatives and to our country. Both of them, I know, have very exciting things to come. They are both young, they both have much to offer, and we wish them the very best.

Mr. Speaker, I will reserve the balance of my comments on Ms. Miller and Mr. Beard and would certainly yield now to Mr. EHLERS, who may also want to say something.

Mr. EHLERS. Mr. Speaker, I would join my colleague from Maryland in commending Jay Eagen and Karen Haas for the tremendous job they have done, and, before Karen, Jeff Trandahl, who served temporarily as CAO during the bridge time before the selection of Mr. Eagen, and who also served as the Clerk of the House very ably.

They both, Jay Eagen and Karen Haas, have done a great job in that office. The House has run very, very well as a result, and I commend them and wish them well in the future. I am certain that they have bright futures based on the excellent work that they did here.

I also would like to comment about the appointments that have been made. The new appointment for the Clerk, Ms. Miller, from everything I see, is an outstanding appointment. We recognize that as traditionally the appointment of the Speaker and can be made solely by the Speaker and has been in the past.

I look forward to good things from her. She is obviously very capable, has an outstanding record in working in the House, the Senate, and various other places. I look forward to good work from her.

In regard to the selected candidate for Chief Administrative Officer for the House, Mr. Beard, I do not object to his appointment. He is, I think, of relatively good background and should be able to manage the job, at least I seriously hope so.

But I have serious concerns about the lack of transparency and the selection process that resulted in his appointment. Just to give a better history, when I first arrived here, it was shortly before the Republicans took over the majority, and there had been considerable confusion in the House. We had the bank scandal, the post office scandal and so forth. A position was created, I forget the precise title, but something along the line of the director of the nonlegislative and financial functions of the House of Representatives.

The Speaker at that time, who was a Democrat, since they were in the majority, appointed a person to fill that post. It was General Wishart, I believe, and he resigned after several months saying basically he could not do the job, given the parameters that were imposed upon it.

When the Republicans took over the House of Representatives, they also appointed, and it was largely a Speaker's appointment at that time, appointed someone to serve as the Chief Administrative Officer of the House. That position was created and described by the new majority.

Mr. Faulkner had a good resume and had a lot of good ideas, but, frankly, did not really meet the needs that we had for that position at that time. We then decided, and I believe Mr. HOYER was on the committee at the same time with me, and we simply decided that we had to make this as nonpartisan a position as possible.

So we formed a group, two Republicans, two Democrats, and they conducted a nationwide search with a search firm to find the best person for the Chief Administrative Officer position.

They ended up selecting someone from the House of Representatives, someone who was familiar with it, but also someone with extensive administrative background who did a tremendous job of operating this institution since that time.

The main point I want to make is a process was set up that was bipartisan. It resulted in an excellent appointment, and I believe we should use that same process again.

In fact, I felt so strongly about it, I sent a letter to the Speaker last week pointing out that we should use that same process again. Barely was the letter delivered that she announced publicly that she had selected a new CAO, without using that process at all, without input from the minority party. Simply, we had the courtesy of chatting with the new appointee, but nothing to say in the appointment or whether or not that person should have the appointment.

I have met with him; I recognize he has considerable administrative ability. He has been around a long time, but I am very concerned because we did not use the same process. I think this new appointee is going to owe his allegiance to only one person, that is the Speaker of the House, and I don't believe that is the best way to operate the House of Representatives.

At the same time, should anything deleterious or improper happen, we recognize where the responsibility for that will lie, because it will be with the person who made the appointment.

But I have firsthand knowledge, having served on the House Administration Committee now for over 12 years, firsthand knowledge of the important role the Chief Administrative Officer plays in the House operations, and it is an extremely important job.

This is a complex organization on the Hill, over 10,000 employees. The position has many responsibilities that are of significant consequence to the House of Representatives.

While the proper administration of the House is ultimately the responsibility of the majority, the successful operation of the House is most certainly not a partisan manner.

Republicans and Democrats alike maintain a shared investment in preserving and building upon the professional improvements made by the House Chief Administrative Officer over the last 12 years.

In 1997, as I mentioned, the last occasion a new CAO was appointed, a search committee was constituted that, as I said, required a unanimous decision from all search committee members in order to select a candidate for the position of Chief Administrative Officer.

That last provision, I think, is very important, to ensure that it was not a partisan position required that both Republicans and both Democrats had to vote to select the final candidate for the position.

At that time, our current House majority leader, my colleague from Maryland, stated that the formulation of a search committee comprised of the leaders of both parties ''was done to assure that we would have a bipartisan agreement on an administrator for the business of the House.''

Mr. HOYER also stated that what this House needs is a bipartisan and effectively nonpartisan way to assure ourselves and the American people that the business of the House, the paying of our bills, the managing of our information systems, all of that which has nothing to do with the formulation of the policy, but everything to do with the effective management of the people's House, is being done in a proper fashion.

Now, I am not quoting this to throw the words in Mr. HOYER's face. That is not my intent at all. It is simply my intent to show how at that time we worked very hard to get a bipartisan agreement. That bipartisan agreement, which Mr. HOYER spoke of, resulted in the appointment of Jay Eagen, our current Chief Administrative Officer, who has served us so well for a number of years.

Under Mr. Eagen's tenure, just as an example, the House has achieved eight consecutive clean opinions from independent auditors, an impressive result by any measure. This should be contrasted with the result when the Republicans first took office, we asked for an independent outside audit, and the auditors came back and said the books are such a mess, we cannot even audit them; you will have to construct an entire new financial management system.

I was pleased that since I had helped develop the computer system that I was able to help develop a system that was appropriate for that task. I think all of this together has led to the clean audits that we have had for a number of years.

I certainly support the comments that Mr. HOYER made some years ago. They were very appropriate. They described the procedure accurately; and his points, as he made them, I totally agree that the appointment of a post was such a significant impact to this institution, we should be able to put aside our party affiliations and work together to find a suitable candidate.

I wish I could make a comparable statement today. I wish that such a bipartisan process had been followed this time. Instead, I am left only to express my sincere disappointment that it did not take place.

Let me make it clear, the qualifications of Mr. Beard are not under attack; but the process that Speaker PELOSI administered to make this appointment is. I think we should have had the same process, and I am disappointed that the Speaker chose not to do that.

Without a fair, open and competitive process, there simply is no way to determine whether the selection is in the best interest of the House, and the complete absence of transparency is cause for alarm for those who value the integrity of this institution.

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

Mr. HOYER. I will tell my friend, I don't have any other speakers on this side. Do you have a speaker?

Mr. EHLERS. Yes, I have several.

Mr. Speaker, I yield 5 minutes to the gentleman from California, a newly appointed member of the Committee on House Administration, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, I would like to echo the words of those who have spoken the words about the job that Jay Eagen and Karen Haas have done. They have served this body well. They have done us honor by their service. I am sure they will continue with honorable service in the future.

When I returned to the House of Representatives after being away for 16 years, I observed that there were some things that were better about this House and some things that were worse about this House.

□ 1415

I noted that there was always a partisanship in this House, but there appeared to be a harder edge to that partisanship. And one of the things that struck me was that we needed to be around here more often. That is why I, frankly, am one of those on this side of the aisle that believes that attempting to go to a 5-day workweek not only is good in terms of the product that we will put out eventually, when we actually do go to 5-day workweeks, but the interchange and the interplay and the opportunity for Members to deal with one another and get to know one another I think may very well take the hard edge off the partisanship that is always going to be a part of the House when you have strong feelings argued by Members on both sides.

At the same time, I must say it is a disappointment, as a Member of the House Administration Committee, to see the manner in which the decision was made to choose a Chief Administrative Officer.

When I served here before, there is no doubt that the administration of this place was in a mess. You could ask questions and get no answers. You could attempt to try and decipher how this place was organized, and you could not find out. You would ask questions, and you would get a wink and a nod and a sense of don't ask, don't tell. You would try and find, for legitimate reasons, information; and you would find that either that was not made available to you or that it could not be made available to you.

And since that time, primarily I believe because of the institution of the position of Chief Administrative Officer and the organization that flow from that, it has changed. So I was trying to look back at the experience of the House to see how this was made and how the decision was made to fill that position.

When I discovered that both the Republican and the Democratic sides had come together stressing bipartisanship,

making a national search, attempting to try and find the best possible person for the job but, above that, requiring unanimous support from both sides of the aisle, it seemed to me that that was an encouraging step towards righting a wrong that existed in this House.

And that is why, even though I do not know Mr. Beard, and I will take on its face the recommendations that have been made on the other side about Mr. Beard, it is a missed opportunity we had in this House to manifest an effort in one of the legitimate areas where bipartisanship should reign, that is, in filling the position of someone who is to be the chief administrator of this body. It is a sorely missed opportunity.

I know that we should not be complaining about process, and people are tired about complaining about process, and I am tired about hearing the complaints about process. But this was a unique opportunity for us to work together, not as Democrats or Republicans but Members of the House of Representatives who have respect for this institution, who understand the necessity of having this place run at that level on a businesslike basis so that every Member can feel that the person who filled that job was chosen by the entire membership and that no one has to feel that they have allegiance only to one side.

It is very difficult in this place, because of the way it is organized, for us to find that sort of sweet spot, if you will, in the activities in which we are involved. This was one of those chances, and I am very sorry that we rejected the experience and the precedent of the recent past in making this selection.

I join the gentleman from Maryland and others in hoping that Mr. Beard will do an excellent job. It is in the interests of all of us that he does an excellent job. My only point is this was a tremendous opportunity for us to remove partisanship, to work together, as the gentleman suggested a number of years ago when the selection of Mr. Eagen was made.

My only hope is that this does not suggest how things will be done in the future when there is abundant reason for us to work together as Members of the House rather than as Democrats and Republicans.

Mr. Speaker, with that, I congratulate Mr. Beard on his selection. I hope he will do the best for us, as Mr. Eagen has done. I only lament the fact that we had an opportunity that we missed.

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

I appreciate the comments. I appreciated my comments when I made them. I still want you to know that I appreciate them, and I think that is a good practice.

I had the opportunity of sitting down with Mr. Beard just a few days ago, essentially, almost verbatim, in terms of how I believe he ought to operate his office in the sense that this is a business office, this is not a partisan office. Hopefully, he will respond to doing what is in the best business management practice, best practices as well as his own judgment without respect to party or partisanship. I would hope that that would happen. I expect it to happen.

But I appreciate the comments that have been made.

I want to say that, also, I am strongly in support of Lorraine Miller. This is a historic appointment, first African American to serve as an officer of the House, not just as Clerk of the House but as an officer of the House.

Lorraine Miller has served for three Speakers now. She served President Clinton in the White House. She is president of the NAACP in Washington, D.C. She is an extraordinarily knowledgeable, able individual; and she will be a tremendous asset to this institution and I think will send a very strong and powerful message to all of America about inclusion, as the election of our Speaker did.

Mr. Beard, as some of you know, has more than three decades of experience in policy and executive management, including senior positions in the House of Representatives, the United States Senate, the White House and the Interior Department, as well as the Library of Congress. Obviously, he has a long, distinguished career in management and, as such, is a professional appointment.

Again, I appreciate the comments that have been made. Mr. Speaker, I strongly support the nomination of both, because I believe both will serve this institution in a professional manner that brings credit on their offices and on this institution.

Mr. Speaker, I ask unanimous consent that Mr. CLYBURN be able to manage the balance of time available to me.

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

There was no objection.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Maryland for his comments.

I would also echo his comments about Mrs. Miller. I was astounded at her resume. In fact, I would love to have a resume that complete myself. She has served government in so many different agencies and in so many different ways that I am certain that she will perform very, very well as the Clerk of the House.

Mr. Speaker, I yield 3 minutes to Mr. MCCARTHY of California, a brand new member of the Committee on House Administration but one with considerable experience on it because of his previous work as a staff member for the Honorable Bill Thomas, who chaired the committee.

Mr. MCCARTHY of California. I thank the gentleman for yielding.

Mr. Speaker, I rise today actually for two reasons, to congratulate Mrs. Miller, rightfully so. She was selected, rightfully so, that the Speaker was able to appoint her. But today I actually rise in disappointment, disappointed in this resolution.

As the Member said, I am a new Member from California. But I am not new to this House. I had the pleasure of serving Mr. Thomas, who had served as the chairman of House Administration in 1995.

I know the work that was done and the respect for this House on both sides of the aisle. I never questioned the respect for this institution on either side. But to go about in bringing an audit to this House I knew the work that needed to be done. I worked as a staffer, and I found out in 1995 when we went to do the first audit, we did not keep enough books to even have an independent audit.

And what has transpired, in the last 8 years, we have had a clean, independent audit. And how were we able to achieve that? This body was able to achieve that by being bipartisan in the selection of the chief administrative officer, and to do this resolution today is actually a step backwards.

Transparency in this House, both sides will agree, is the best thing for the House of Representatives; and my question today is, I do not question the credentials of Mr. Beard. Will he make a great CAO? I do not know, quite frankly, because he has never come before us. We have never had the ability to go for the search, and we have actually done a disjustice to him, because we have gone through to select and not even empower him, when both sides of the aisle could go by and make a selection. That would empower that office in a bipartisan manner, much like we have done in the past.

My biggest disappointment is this side of the aisle was ready to work. I know the ranking member had sent a letter to the new Speaker to ask about doing it just like we did in 1997, where somebody from the Democrats and some from the Republicans got together and agreed unanimously. That is the respect of this office.

On my first day on this floor, I listened intently. I came with no animosity. I came to work together. I came to find common ground. And up in that top, I listened to the Speaker when she said, this is about partnership not partisanship.

But today is a step backwards. This was the opportunity to move forward in a partisanship much like we have done in 1997, much as history has shown. And I will tell you, in the end, the respect for this House has to come from both sides of the aisle that we have, and we have to do it when it comes to the resolution.

Mr. CLYBURN. Mr. Speaker, I, too, wish to offer my congratulations to those who have done so well, Mr. Speaker, Karen Haas and Mr. Jay Eagen in their duties and responsibilities to all of us as Members of this body.

I am a little bit interested in some of the convenient memory that is taking

place here. I happen to recall, Mr. Speaker, that in 1995 we had a CAO appointed; and, of course, I was a member of the bipartisan group that was selected by this body to hire Mr. Eagen. I was one of the ones that interviewed him, as well as others, and was one of the ones that decided to put him in the capacity that he is in.

So I just wanted to say to my friends on the other side that we hired Mr. Eagen to clean up a mess that was not created by those who were in power. It was created by the gentleman who took the office in 1995.

I would want us to be careful about how we recall the history of this, because that is the way all of this developed, and I was on that group that helped to clean it up with the hiring of Mr. Eagen. He has done a professional job. I want to thank him for that.

I, too, have met with Mr. Beard; and I have known Mrs. Lorraine Miller for a long, long time. I think she is an excellent choice. I think she is going to do great work for this institution, and I join with those who see this as a history-making and I think marble-ceiling-shattering appointment.

But when I met with Mr. Beard I said to him that I recognized his professional background. But I also said to him that I had one wish of him, that he carry out his duties and responsibilities in a professional manner. But I said to him when I spoke with him that this is my first elected job. I have been director or manager of something all of my life before coming here.

□ 1430

And one of the things I learned as a manager is that you have to try to balance efficiency and effectiveness. And in order to do the work of this body, I want all of those people who assume positions to be efficient. But I also would like to see the work done be effective. And to do so, we have to, I think, recognize the individual worth that exists in every human being. There are a lot of people working in and around this building who we sometimes don't see, but they come under the purview of the Chief Administrative Officer. So I asked Mr. Beard to remember, as he carried out his duties and responsibilities, that we must always work to balance out efficiency and effectiveness. So I think they will make good additions to the work here in this body, and I want to thank them for being willing to serve and thank the Speaker for making this appointment.

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

Mr. EHLERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I too want to join my colleagues at wishing a fond and reluctant farewell to Jay Eagen and Karen Haas. They have both served this institution with great distinction and reflected well on the institution of the House.

But I rise today to honor Lorraine Miller of Fort Worth, Texas, on her appointment as Clerk of the House of Representatives. Of course, as Clerk of the House of Representatives, Ms. Miller's responsibilities will include but not be limited to the page board, congressional travel reports and disclosure forms, the voting system, oversight of the legislative operation of the House floor. She is well prepared for this. She has worked at the highest levels of government, which have contributed to her leadership abilities and her knowledge of management.

The role of the Clerk is demanding and requires someone with great intellect. Ms. Miller will certainly bring strength and diversity to the Office of Clerk as the first African American woman to hold this top House position.

Ms. Miller first worked for the House of Representatives for U.S. Congressman Jim Wright back in Fort Worth, Texas, when he was majority leader. She moved on to work for then-Speaker Tom Foley, U.S. Congressman JOHN LEWIS, and finally the current speaker, Speaker PELOSI. Ms. Miller also worked as deputy assistant to the president of Legislative Affairs for the House of Representatives during the administration of Bill Clinton. She additionally held positions at the Federal Communications Commission and the Federal Trade Commission.

It is with great honor that I recognize Ms. Lorraine C. Miller for decades of hard work and selfless dedication. I want to join her friends and family, both here in Washington, D.C. and particularly back home in Fort Worth, Texas, where I represent, in congratulating her on this prestigious milestone. She has been an inspiration and a role model to many, and I know she will continue to be a role model to many of the young men and women who will watch her progress with pride here in the House of Representatives. And I, for one, look forward to working with her here in Congress.

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

Mr. EHLERS. Mr. Speaker, in that case I will make my final comments. I assume the gentleman from South Carolina is able to close right after that.

Just hearing this debate reminds me again of all the things that happened. And first of all, I have to clarify that Mr. Eagen did not have to clear up a mess left by Mr. Faulkner. Mr. Faulkner may or may not have been the best choice for CAO at the time he took the job, but certainly improved the situation. And I was there. I saw the books as they were, ledger cards made out in pencil with erasures in the ledger book, an erasure of a number filled in with $2,500,000 just to make the books balance. I have seen those books. I know the facts. It was a mess after 40 years of the rule of one party.

Now, I am not defending or criticizing either General Wishart or Scot Faulkner. They were there. They did the best job they could in very difficult circumstances. But they were not there very long.

The point is simply that when we followed a good process, when we used a bipartisan process, we appointed someone who has served for a number of years and has served extremely well.

You know as well as I that if you hire a person, that person's loyalty is going to be to you. It is very important that this position be operated in a bipartisan fashion. And since the Speaker has appointed Mr. Beard, no matter how capable he is, no matter how much he tries, he will be suspected of partisanship in his decisions.

Daniel Beard may, in fact, be the right person to lead the CAO organization, and I truly hope that he is. However, given the selection process, there is simply no way of knowing that with any degree of confidence. This appointment could and should have occurred with the full confidence of all Members of the House. Unfortunately, the burden of proof now lies with Mr. Beard and, ultimately, Speaker PELOSI, to ensure that Mr. Beard is able to maintain the level of skill, professionalism and bipartisanship we have come to expect from the House CAO.

Mr. Speaker, I demand a division of the question on the adopting of the resolution.

The SPEAKER pro tempore. The question will be divided.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

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

First, the question is on adopting the first portion of the question (relating to the election of Clerk).

The first portion of the question was adopted.

The SPEAKER pro tempore. Now, the question is on adopting the second portion of the question (relating to the election of Chief Administrative Officer).

The second portion of the question was adopted.

A motion to reconsider the adoption of the resolution was laid on the table.

GENERAL LEAVE

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 129.

The SPEAKER pro tempore (Mr. TIERNEY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

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.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, section 511 clause (a)(4)(B)(i) of H. Res. 6 provides that I submit the 302(a) allocations contemplated by House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House. In addition, section 511 clause (a)(4)(B)(ii) of H. Res. 6 provides that I submit accounts identified for advance appropriations pursuant to section 401(b) of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House.

The attached tables, which I submit, provide that information.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION

[Fiscal years, in millions of dollars]

House committee	2007		2007–2011 total	
	BA	Outlays	BA	Outlays
Agriculture				
Armed Services	45	45	45	45
Education and Labor		1		30
Energy and Commerce				
Financial Services			2	2
Foreign Affairs	1	1	5	5
Homeland Security				
House Administration				
Judiciary	19	16	116	113
Natural Resources			6	6
Oversight and Government Reform				
Science and Technology				
Small Business				
Transportation and Infrastructure	13	13	22	22
Veterans' Affairs				
Ways and Means				

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION

[In millions of dollars]

	BA	OT
Section 302(a) Allocation	872,778	963,711

FY2008 ADVANCE APPROPRIATIONS—UNDER SECTION 401 OF H. CON. RES. 376

[In millions of dollars]

	Budget authority
Appropriate Level	23,565
Accounts Identified for Advances:	
Elk Hills	
Corporation for Public Broadcasting	
Employment and Training Administration	
Education for the Disadvantaged	
School Improvement	
Children and Family Services (Head Start)	
Special Education	
Vocational and Adult Education	
Transportation (highways, transit, Farley Building)	
Payment to Postal Service	
Section 8 Renewals	

IMPRISONMENT OF TWO U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, 3 weeks ago two U.S. Border Patrol agents entered Federal prison. Agents Ramos and Compeon never should have been sent to Federal prison. These agents were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our southern border into Texas.

Members of Congress have, and let me say, not only Members of Congress, but many American citizens, have repeatedly petitioned President Bush to pardon these agents. At the House Democratic Caucus last week, the President said: ''We want our Border Patrol agents guarding the borders from criminals and drug dealers and terrorists.''

Mr. President, we are calling on you today, as you said you would weeks ago, to take a sober look at this case.

Many Members of Congress have warned that if these two Border Patrol agents entered prison their safety would be threatened by those who hate law enforcement officers. Tragically, this happened last Saturday night when Agent Ramos was beaten while being in prison.

Mr. President, you have the authority to correct an injustice. Please, Mr. President, expedite your consideration of a pardon for these two men and help their families realize that America is a country that believes in justice.

Mr. Speaker, before closing, I want to repeat that: Mr. President, you have the authority to correct an injustice. Please expedite your consideration of a pardon for these two men and help their families realize that America is a country that believes in justice.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, yesterday the President submitted his budget to the United States Congress and to the country. And in that budget, the President made clear a number of priorities that I think are in direct opposition to the wishes and aspirations of the American people.

Most egregious, in my view, is that the President leaves in place a tax increase on the middle-class families of this country. Today, about three million Americans are affected by the alternative minimum tax, meant to tax only the superwealthy. This year alone, it will reach 23 million middle-class families across the country. And the only way the President accomplishes any of his goals is to leave in place a tax that was never intended by the Congress or the President to affect middle-class families.

The Democrats make a pledge to, in fact, deal with the alternative minimum tax this year so middle-class families do not have a tax increase either this year, next year or the following year. It has been consistently.

But this is only one of the egregious misplaced priorities in the President's budget. The other highlights, in addition to increasing taxes on the middle class, it cuts health care for seniors $100 billion over 5 years, $300 billion over 10 years.

While we are dealing with the temperatures outside that are near freezing in my home area of Chicago, below zero, it cuts home energy assistance to our seniors by 18 percent.

It eliminates the COPS program for community policing, which has supported 120,000 police officers throughout the country.

It goes forward in the President's desire to privatize Social Security.

It cuts health care benefits for our returning veterans, forcing them to pay up to $750 a year to enter the health care for veterans, one of the best health care systems in the country. And I don't think that is a welcome-home mat that our veterans from Iraq and Afghanistan deserve.

It also has cuts to education. It underfunds Leave No Child Behind by $15 billion.

It cuts housing assistance for affordable housing. Returning again, in relationship to our veterans, it cuts the funding for research into brain trauma research, which is so significant. One of the greatest injuries for our veterans coming home from Iraq and Afghanistan have been the brain injuries that they have incurred there. And the first time ever we have gotten funding inside the Pentagon for that area, it makes a cut.

And then it doesn't deal with what we call earmarks here, as the President continues his earmarks in his budget. Across the board, from Social Security privatization to health care cuts in Medicare and Medicaid, to also not cutting children from their health care, to raising taxes on the middle class, in time and place, from health care to taxes to supporting our law enforcement community, this budget makes the wrong priorities.

It is time to have a new direction and a change here in the priorities in Washington. In addition to all that, while we have families not being able to get to their homes in the area of Louisiana and Mississippi and the Gulf Coast, the President asked for an additional $245 billion for Iraq and Afghanistan. In every turn that we can, we have to right this ship that is wrong.

Most importantly, in the area the President's budget has relied on tax increases on middle class families, cuts Medicare and Medicaid, asked for $245 billion in increased funding for Iraq and Afghanistan, cuts children from their health care, cuts heating assistance from our elderly, also cuts benefits for veterans. Those are not the priorities of the American people.

□ 1445

Every President in the history of the country in a time of war has thought about how to invest in America. Abraham Lincoln, in the height of the Civil War, had the land-grant colleges. Roosevelt, in the height of the final 2 years of World War II, developed the GI Bill of Rights. During the height of the Cold War, Eisenhower saw the interstate system as a way to invest in America. Kennedy, a man on the moon when we were facing down the Soviet Union.

At every critical juncture when America was at war, a President thought about how to invest in America to turn this country's efforts overseas here at home to make this a stronger and better country.

This is the first Presidential budget that in time of war, rather than looking for increases here on how to make America stronger, it looks for cuts in America. It looks for the areas of education, health care, veterans, and law enforcement to sacrifice, while we increase our investments in Iraq and Afghanistan.

If you look at the history of every time there has been a period of America's engagement around the world militarily, every President has looked to invest here at home to make America stronger. This is the first budget that leaves America weaker in a time of military engagement.

DON'T DO IT, MR. PRESIDENT

The SPEAKER pro tempore (Mr. TIERNEY). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, if the President were to ask me for advice on foreign affairs, this is what I would say: Don't do it, Mr. President. It is a bad idea. There is no need for it. There is great danger in doing it. America is against it, and Congress should be. The United Nations is against it. The Russians, the Chinese, the Indians, the Pakistanis are against it. The whole world is against it. Our allies are against it. Our enemies are against it. The Arabs are against it. The Europeans are against it. The Muslims are against it.

We don't need to do this. The threat is overblown. The plan is a hysterical reaction to a problem that does not yet exist. Hysteria is never a good basis for foreign policy. Don't we ever learn? Have we already forgotten Iraq?

The plan defies common sense. If it is carried out, the Middle East and possibly the world will explode. Oil will soar to over $100 a barrel, and gasoline will be over $5 a gallon.

Despite what some think, it won't serve the interests of Israel. Besides, it is illegal. It is unconstitutional. And, Mr. President, you have no moral authority to do it.

We don't need it. We don't want it. So, Mr. President, don't do it. Don't bomb Iran.

The moral of the story, Mr. Speaker, is this: If you don't have a nuclear weapon, we will threaten to attack you. If you do have a nuclear weapon, we will leave you alone. In fact, we will probably subsidize you. What makes us think Iran does not understand this?

Mr. Speaker, I would like now to yield to my friend from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I want to thank Mr. PAUL for so many years coming down to the floor to defend the Constitution of the United States.

The United States Constitution, article I, Section 8, clause 11, vests in the Congress the exclusive power to declare war. Many of us in the past few days have put in a resolution, H.J. Resolution 14, to say that the President should not go into and bomb Iran unless he comes to the Congress so that the Congress can meet its constitutional responsibility.

James Madison said, " . . . The power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the legislature . . . the Executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war."

I want to thank you, RON PAUL, for always being a spokesman and a protector of the Constitution.

Mr. PAUL. I thank you very much for those comments.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to direct their remarks to the Chair and not to the President.

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.)

ENDING THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the President has isolated himself from all the evidence, military advice, members of his own party, and the American people. He is not staying the course in Iraq. The President is making matters even worse by escalating the war.

He has ordered at least 21,500 more U.S. soldiers into the middle of a bloody and violent civil war. This President has stepped backward in history. He is making the same tragic mistakes of Vietnam all over again.

The President's speeches won't stop a bullet, and they won't protect soldiers from the tsunami of violence inundating Iraq. Our soldiers don't have enough equipment or support. Soldiers know it, but the White House ignores it.

Some of the best newspapers and magazines in the Nation are reporting the facts, and they are not just repeating the President's spin.

From the McClatchy newspapers, here is a recent headline: "Soldiers in Iraq view troop surge as a lost cause."

From the San Francisco Chronicle: "Corners cut in rush to add troops; shorter training time, lack of equipment hurt readiness, experts say."

And the latest issue of Business Week said: "Military equipment: Missing in action."

I will enter these stories into the RECORD.

[From BusinessWeek]

MILITARY EQUIPMENT: MISSING IN ACTION

A NEW DEFENSE AUDIT SAYS THE PENTAGON HAS FAILED TO PROPERLY EQUIP SOLDIERS IN IRAQ—JUST AS THE PRESIDENT STRUGGLES TO FIND SUPPORT FOR A TROOP INCREASE

(By Dawn Kopecki)

The Inspector General for the Defense Dept. is concerned that the U.S. military has failed to adequately equip soldiers in Iraq and Afghanistan, especially for nontraditional duties such as training Iraqi security

forces and handling detainees, according to a summary of a new audit obtained by BusinessWeek.

The findings come as the Pentagon prepares to send another 21,500 troops to Iraq and as Democratic leaders levy threats to restrict funding for a war that's already cost about $500 billion. The Army alone expects to spend an extra $70 billion on an additional 65,000 permanent troops from fiscal year 2009 through 2013. According to Army officials, $18 billion of that will be spent on equipment.

The Inspector General found that the Pentagon hasn't been able to properly equip the soldiers it already has. Many have gone without enough guns, ammunition, and other necessary supplies to ''effectively complete their missions'' and have had to cancel or postpone some assignments while waiting for the proper gear, according to the report from auditors with the Defense Dept. Inspector General's office. Soldiers have also found themselves short on body armor, armored vehicles, and communications equipment, among other things, auditors found.

''As a result, service members performed missions without the proper equipment, used informal procedures to obtain equipment and sustainment support, and canceled or postponed missions while waiting to receive equipment,'' reads the executive summary dated Jan. 25. Service members often borrowed or traded with each other to get the needed supplies, according to the summary.

Pentagon officials did not immediately return phone calls seeking comment.

The audit supports news reports and other evidence that U.S. troops have been stretched too thin or have performed tasks for which they were ill-prepared. It is likely to add fuel to the opposition to President George W. Bush's decision to send more troops to Iraq in an effort to quell the violence there.

Already, support for the troop increase is tepid in the Senate, where Democrats are preparing to vote on a nonbinding statement against the President's plan. While lawmakers have threatened to reduce funding for the war, few have publicly committed to using the ''power of the purse'' to block funding for the troop surge. ''The thing we're going to do now is very important, to show the American people that the United States Senate, on a bipartisan basis, does not support an escalation,'' says Majority Leader Harry Reid (D–Nev.). ''Even the Republicans are very timid in their support for the President at this stage.''

In the summary of the Inspector General's audit, the equipment shortages were attributed to basic management failures among military commanders in Iraq and Afghanistan. U.S. Central Command lacked standard policies for requesting and tracking equipment requirements or for equipping units to perform nontraditional duties. Auditors surveyed 1,100 service members stationed in Iraq and Afghanistan from all four military branches, the National Guard, and Reserves.

The Inspector General recommended that the Pentagon establish new internal controls and policies to address the funding, equipping, and sustaining forces performing nontraditional duties.

[From McClatchy Newspapers]

SOLDIERS IN IRAQ VIEW TROOP SURGE AS A LOST CAUSE

(By Tom Lasseter)

BAGHDAD, IRAQ.—Army 1st Lt. Antonio Hardy took a slow look around the east Baghdad neighborhood that he and his men were patrolling. He grimaced at the sound of gunshots in the distance. A machine gunner on top of a Humvee scanned the rooftops for snipers. Some of Hardy's men wondered aloud if they'd get hit by a roadside bomb on the way back to their base. ''To be honest, it's going to be like this for a long time to come, no matter what we do,'' said Hardy, 25, of Atlanta. ''I think some people in America don't want to know about all this violence, about all the killings. The people back home are shielded from it; they get it sugar-coated.''

While senior military officials and the Bush administration say the president's decision to send more American troops to pacify Baghdad will succeed, many of the soldiers who're already there say it's a lost cause.

''What is victory supposed to look like? Every time we turn around and go in a new area there's somebody new waiting to kill us,'' said Sgt. 1st Class Herbert Gill, 29, of Pulaski, Tenn., as his Humvee rumbled down a dark Baghdad highway one evening last week. ''Sunnis and Shiites have been fighting for thousands of years, and we're not going to change that overnight.'' ''Once more raids start happening, they'll (insurgents) melt away,'' said Gill, who serves with the 1st Infantry Division in east Baghdad. ''And then two or three months later, when we leave and say it was a success, they'll come back.''

Soldiers interviewed across east Baghdad, home to more than half the city's 8 million people, said the violence is so out of control that while a surge of 21,500 more American troops may momentarily suppress it, the notion that U.S. forces can bring lasting security to Iraq is misguided.

Lt. Hardy and his men of the 2nd Brigade of the Army's 2nd Infantry Division, from Fort Carson, Colo., patrol an area southeast of Sadr City, the stronghold of radical Shiite cleric Muqtada al-Sadr.

A map in Hardy's company headquarters charts at least 50 roadside bombs since late October, and the lieutenant recently watched in horror as the blast from one killed his Humvee's driver and wounded two other soldiers in a spray of blood and shrapnel.

Soldiers such as Hardy must contend not only with an escalating civil war between Iraq's Sunni and Shiite Muslims, but also with insurgents on both sides who target U.S. forces.

''We can go get into a firefight and empty out ammo, but it doesn't accomplish much,'' said Pvt. 1st Class Zach Clouser, 19, of York, Pa. ''This isn't our war—we're just in the middle.''

Almost every foot soldier interviewed during a week of patrols on the streets and alleys of east Baghdad said that Bush's plan would halt the bloodshed only temporarily. The soldiers cited a variety of reasons, including incompetence or corruption among Iraqi troops, the complexities of Iraq's sectarian violence and the lack of Iraqi public support, a cornerstone of counterinsurgency warfare.

''They can keep sending more and more troops over here, but until the people here start working with us, it's not going to change,'' said Sgt. Chance Oswalt, 22, of Tulsa, Okla.

Bush's initiative calls for American soldiers in Baghdad to take positions in outposts throughout the capital, paired up with Iraqi police and soldiers. Few of the U.S. soldiers interviewed, however, said they think Iraqi forces can operate effectively without American help.

Their officers were more optimistic.

If there's enough progress during the next four to six months, ''we can look at doing provincial Iraqi control, and we can move U.S. forces to the edge of the city,'' said Lt. Col. Dean Dunham, the deputy commander of the 2nd Infantry Division's 2nd Brigade, which oversees most of east Baghdad.

Maj. Christopher Wendland, a senior staff officer for Dunham's brigade, said he thinks there's a good chance that by late 2007 American troops will have handed over most of Baghdad to Iraqi troops.

''I'm actually really positive,'' said Wendland, 35, of Chicago. ''We have an Iraqi army that's actually capable of maintaining once we leave.''

If the Iraqi army can control the violence, his thinking goes, economic and political progress will follow in the safest areas, accompanied by infrastructure improvement, then spread outward.

In counterinsurgency circles, that notion is commonly called the ''inkblot'' approach. It's been relatively successful in some isolated parts of Iraq, such as Tal Afar on the Syrian border, but in most areas it's failed to halt the bloodshed for any length of time.

Across America, the newspapers are filled with stories and editorials about the tragic consequences of this war and the dread over the President's escalation. From the Seattle Post Intelligencer, their editorial published yesterday is titled: ''Iraq War: Advice and dissent.''

While the President is acting like he can go it alone, the PI correctly places responsibility on the co-equal legislative branch of government: Congress. The PI wrote: ''No resolution, however, can absolve Congress of its responsibility to cut off spending on a hopeless occupation.''

It is time for Congress to act responsibly by exercising its constitutional responsibility and deny funding for the President's escalation of the Iraq War. The history of the Vietnam War shows us how to deal with the Iraq War, and I am prepared to apply the lessons of history in this Congress.

In 1970, the McGovern-Hatfield amendment was introduced to stop the President from continuing to escalate the Vietnam War. It capped funding for troops for a short period of time, after which money could be used to bring the troops home and for bringing the prisoners home. It didn't pass, but it began a 5-year process that ended the war.

I intend to offer a similar amendment to the first appropriation bill related to Iraq that is introduced in this House. There should be no new funding for any escalation of this war, not one dime, because it only leads to more U.S. casualties. Resolution in Iraq will never come on the bloody streets of Baghdad. It is time for us to act on behalf of the American people and on behalf of our soldiers. They deserve our strong and unwavering support.

We can provide that by passing my amendment to channel our funds to the immediate redeployment of U.S. forces out of Iraq, out of occupation, and out of harm's way. We have waited far too long to act, and our soldiers have paid for our delay with their lives and their limbs.

I believe it is time for Congress to reassure the American people that the President cannot go it alone. It is time for Congress to put an end to the President's reckless disregard of the truth about Iraq.

Those who fail to learn the lessons of history are doomed to repeat them. The President is doing today exactly what happened in Vietnam. On September 1, 1970, George McGovern spoke eloquently on the floor of the other body where he introduced the McGovern-Hatfield amendment.

He said, ''It does not take any courage at all for a Congressman or a Senator or a President to wrap himself in the flag and say we are staying in Vietnam, because it is not our blood that is being shed. But we are responsible for those young men'' and now young women ''and their lives and their hopes. And if we do not end this damnable war, those young men will someday curse us for our pitiful willingness to let the Executive carry the burden that the Constitution places on us.''

I believe we must apply the lessons of history, and I urge my colleagues to approve that amendment when it comes up so that we can begin to end a damnable war that never should have been brought in the first place.

COLTS SUPER BOWL XLI VICTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would like to respond to my colleagues who have just spoken here on the floor, but today I am here on some happy news, so I will confine my remarks to what I consider to be a real celebratory event.

Sunday, the day before yesterday, I sat in the rain with 75,000 other Americans cheering the Indianapolis Colts to victory in the Super Bowl, and I want to tell you that it was one of the greatest football games that I have ever seen.

We were very much in favor of the Colts, as you might imagine, and when the kickoff came to the Bears, and Devin Hester ran 92 years for a touchdown, everybody's heart went down to their feet because we thought it was going to be a real letdown for us.

But Peyton Manning and the Colts came roaring back and won a very convincing victory in the Super Bowl. And after that they had a parade in downtown Indianapolis for the Colts in 8-degree weather. Can you imagine people going out in 8-degree weather to be in a parade? I can't. But the streets were filled by Hoosiers who were celebrating the victory and giving tremendous accolades to the Colts and the coach and Manning and everybody else that made this victory possible.

I would like to just make a couple of comments on what happened. The Colts gained 430 yards in that game against the third strongest defense in the National Football League. Peyton Manning completed 25 of 38 passes for 247 yards and was named the Most Valuable Player. Running back Dominic Rhodes ran for 113 yards against that Bears defense, in driving rain, I might add. Running back Joseph Addai received 10 passes for 66 yards and ran the ball for 77 more yards in that driving rain.

And the Colts did a tremendous job on defense. Kelvin Hayden intercepted one of the Chicago quarterback's passes and ran it back 56 yards for a Colts touchdown, and the Colts scored in every single quarter in all four playoff games for the first time in playoff history.

So I would just like to congratulate Tony Dungy, the coach of the Colts, one of the most popular people in football and especially in Indianapolis; and we think he is one of the nicest guys you will ever meet. He is only the third person in football history to win a Super Bowl both as a coach and a player.

I want to congratulate my friend Bill Polian, the president of the Indianapolis Colts, who put this team together over the past several years and did an outstanding job. Bill, we are very proud of you.

And I want to congratulate the CEO and owner of the Colts, Jim Irsay, who took control of the team in 1997 and dedicated himself to making us a Super Bowl champion.

It was a great day for Indianapolis. We are very, very proud of the Colts. On behalf of all Hoosiers, we want to say to the Indianapolis Colts, you are the world champions, and we are very proud of each and every one of you.

One more thing I want to mention. The Colts defense was maligned throughout the season. Later in the season, they said the Colts defense was one of the worst in football. In the playoff games, they took on everybody and held them to very, very low yardage. So congratulations to the Colts defense as well as our offense. You did a great job.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

(Mr. WALDEN of Oregon 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.)

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.)

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 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 gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

(Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY 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 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 Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON WAYS AND MEANS, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

Mr. RANGEL. Mr. 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 Ways and Means, which were adopted at the organizational meeting of the committee on January 17, 2007.

RULES OF THE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, 110TH CONGRESS

PART I

A. General

RULE 1. APPLICATION OF HOUSE RULES

The rules of the House are the rules of the Committee on Ways and Means and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a non-debatable motion of high privilege in the Committee.

Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

The provisions of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETING DATE AND QUORUMS

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, 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 pursuant to the call of the Chair.

RULE 3. COMMITTEE BUDGET

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision.

Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

RULE 4. PUBLICATION OF COMMITTEE DOCUMENTS

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

RULE 5. OFFICIAL TRAVEL

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. Official travel to be reimbursed from funds set aside for the full Committee 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 Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, 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:

(1) The purpose of the official travel;

(2) 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;

(3) The location of the event for which the official travel is to be made; and (4) The names of the Members and Committee staff seeking authorization.

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, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the full Committee Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full 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.

RULE 6. AVAILABILITY OF COMMITTEE RECORDS AND PUBLICATIONS

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 of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule VII, 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 Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 7. COMMITTEE WEBSITE

The Chairman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House. The ranking minority member may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee members and other members of the House.

B. Subcommittees

RULE 8. SUBCOMMITTEE RATIOS AND JURISDICTION

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5 or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Income Security and Family Support; and a Subcommittee on Select Revenue Measures. The ratio of Democrats to Republicans on any Subcommittee of the Committee shall be consistent with the ratio of Democrats to Republicans on the full Committee.

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Democrats and 6 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements involving multilateral and bilateral trade negotiations and implementation of agreements involving tariff and non-tariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the customs revenue functions of the Department of Homeland Security, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing

countries, operations of multinational corporations, and trade with non-market economies.

2. The Subcommittee on Oversight shall consist of 13 Members, 8 of whom shall be Democrats and 5 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Democrats and 5 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 13 Members, 8 of whom shall be Democrats and 5 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Income Security and Family Support shall consist of 13 Members, 8 of whom shall be Democrats and 5 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Income Security and Family Support shall include bills and matters referred to the Committee on Ways and Means that relate to the public assistance provisions of the Social Security Act, including temporary assistance for needy families, child care, child and family services, child support, foster care, adoption, supplemental security income social services, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Income Security and Family Support shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Income Security and Family Support shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Income Security and Family Support shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, and the Federal-State Extended Unemployment Compensation Act of 1970, and provisions relating thereto.

6. The Subcommittee on Select Revenue Measures shall consist of 13 Members, 8 of whom shall be Democrats and 5 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

RULE 9. EX-OFFICIO MEMBERS OF SUBCOMMITTEES

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for the purposes of determining the ratio of the Subcommittee.

RULE 10. SUBCOMMITTEE MEETINGS

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view towards avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

RULE 11. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within three legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within seven legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least two legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

RULE 12. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. Hearings

RULE 13. WITNESSES

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his or her appearance a written statement of their proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48–hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI of the Rules of the House regarding information required of public witnesses, a witness shall limit his or her oral presentation to a summary of their position and shall provide sufficient copies of their written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include in their statement or submission, a list of all clients, persons or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from non-citizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

RULE 14. QUESTIONING OF WITNESSES

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five minute rule, the Chairman and the Ranking Minority Member shall be recognized first, after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

RULE 15. SUBPOENA POWER

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause

2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives.

RULE 16. RECORDS OF HEARINGS

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his or her testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall have the opportunity to correct their own testimony before publication. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

RULE 17. BROADCASTING OF HEARINGS

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

(1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

(2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

(3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.

(4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

(5) Further conditions may be specified by the Chairman.

D. Markups

RULE 18. PREVIOUS QUESTION

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

RULE 19. POSTPONEMENT OF PROCEEDINGS

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 request at any time. In exercising postponement authority the Chairman shall take reasonable steps to notify Members on the resumption of proceedings on any postponed record vote.

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.

RULE 20. MOTION TO GO TO CONFERENCE

The Chairman is authorized to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

RULE 21. OFFICIAL TRANSCRIPTS OF MARKUPS AND OTHER COMMITTEE MEETINGS

An official stenographic transcript shall be kept accurately reflecting all markups and other official meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as ''uncorrected,'' shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office.

If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

RULE 22. PUBLICATION OF DECISIONS AND LEGISLATIVE LANGUAGE

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. Staff

RULE 23. SUPERVISION OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

PART II—SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

Part II of the Manual of Rules of the Committee on Ways and Means consists of selected Rules of the House of Representatives, which are also part of the Committee's rules and which affect its organization, administration, and operation. The rules cited herein are not exclusive of other rules of the House of Representatives applicable to the Committee, but rather are considered to be some of the more important rules to which frequent reference is made.

RULE VII. RECORDS OF THE HOUSE

Archiving

1. (a) At the end of each Congress, the chairman of each committee shall transfer to the Clerk any noncurrent records of such committee, including the subcommittees thereof.

(b) At the end of each Congress, each officer of the House elected under rule II shall transfer to the Clerk any noncurrent records made or acquired in the course of the duties of such officer.

2. The Clerk shall deliver the records transferred under clause 1, together with any other noncurrent records of the House, to the Archivist of the United States for preservation at the National Archives and Records Administration. Records so delivered are the permanent property of the House and remain subject to this rule and any order of the House.

Public availability

3. (a) The Clerk shall authorize the Archivist to make records delivered under clause 2 available for public use, subject to paragraph (b), clause 4, and any order of the House.

(b)(1) A record shall immediately be made available if it was previously made available for public use by the House or a committee or a subcommittee.

(2) An investigative record that contains personal data relating to a specific living person (the disclosure of which would be an unwarranted invasion of personal privacy), an administrative record relating to personnel, or a record relating to a hearing that was closed under clause 2(g)(2) of rule XI shall be made available if it has been in existence for 50 years.

(3) A record for which a time, schedule, or condition for availability is specified by order of the House shall be made available in accordance with that order. Except as otherwise provided by order of the House, a record of a committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(4) A record (other than a record referred to in subparagraph (1), (2), or (3)) shall be made available if it has been in existence for 30 years.

4. (a) A record may not be made available for public use under clause 3 if the Clerk determines that such availability would be detrimental to the public interest or inconsistent with the rights and privileges of the House. The Clerk shall notify in writing the chairman and ranking minority member of the Committee on House Administration of any such determination.

(b) A determination of the Clerk under paragraph (a) is subject to later orders of the House and, in the case of a record of a committee, later orders of the committee.

5. (a) This rule does not supersede rule VIII or clause 11 of rule X and does not authorize the public disclosure of any record if such disclosure is prohibited by law or executive order of the President.

(b) The Committee on House Administration may prescribe guidelines and regulations governing the applicability and implementation of this rule.

(c) A committee may withdraw from the National Archives and Records Administration any record of the committee delivered to the Archivist under this rule. Such a withdrawal shall be on a temporary basis and for official use of the committee.

Definition of record

6. In this rule the term ''record'' means any official, permanent record of the House

(other than a record of an individual Member, Delegate, or Resident Commissioner), including—

(a) with respect to a committee, an official, permanent record of the committee (including any record of a legislative, oversight, or other activity of such committee or a subcommittee thereof);

* * * * *

RULE X. ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows: * * *

(t) Committee on Ways and Means.

(1) Customs revenue, collection districts, and ports of entry and delivery.

(2) Reciprocal trade agreements.

(3) Revenue measures generally.

(4) Revenue measures relating to insular possessions.

(5) Bonded debt of the United States, subject to the last sentence of clause 4(f).

(6) Deposit of public monies.

(7) Transportation of dutiable goods.

(8) Tax exempt foundations and charitable trusts.

(9) National social security (except health care and facilities programs that are supported from general revenues as opposed to payroll deductions and except work incentive programs).

General oversight responsibilities

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

(2) Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) 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;

(C) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(D) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years; and

(E) have a view toward insuring against duplication of Federal programs.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Oversight and Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

Special oversight functions

3. * * *

(f) The Committee on Foreign Affairs shall review and study on a continuing basis laws, programs, and Government activities relating to customs administration, intelligence activities relating to foreign policy, international financial and monetary organizations, and international fishing agreements.

* * * * *

Additional functions of committees

4. * * *

(b) The Committee on the Budget shall— * * *

(6) request and evaluate continuing studies of tax expenditures, devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and report the results of such studies to the House on a recurring basis.

* * * * *

Budget Act responsibilities

(f)(1) Each standing committee shall submit to the Committee on the Budget not later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(A) 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 that are within its jurisdiction or functions; and

(B) 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.

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the concurrent resolution on the budget.

* * * * *

Election and membership of standing committees

5. * * *

(2)(A) The Committee on the Budget shall be composed of members as follows:

(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five who are members of the Committee on Appropriations and five who are members of the Committee on Ways and Means;

* * * * *

Expense resolutions

6. (a) Whenever a committee, commission, or other entity (other than the Committee on Appropriations) is granted authorization for the payment of its expenses (including staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Administration. A primary expense resolution may include a reserve fund for unanticipated expenses of committees.

An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Administration. A primary expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of the funds to be provided to the committee, commission, or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission, or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission, or other entity as may be appropriate to provide the House with basic estimates of the expenditures contemplated by the primary expense resolution.

(b) After the date of adoption by the House of a primary expense resolution for a committee, commission, or other entity for a Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Administration, as necessary. A supplemental expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of additional funds to be provided to the committee, commission, or other entity under the supplemental expense resolution and the purposes

for which those additional funds are available; and

(2) state the reasons for the failure to procure the additional funds for the committee, commission, or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) a resolution providing for the payment from committee salary and expense accounts of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, a committee, commission, or other entity at any time after the beginning of an odd-numbered year and before the date of adoption by the House of the primary expense resolution described in paragraph (a) for that year; or

(2) a resolution providing each of the standing committees in a Congress additional office equipment, airmail and special-delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from committee salary and expense accounts of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds made available for the appointment of committee staff by a primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee and that the minority party is treated fairly in the appointment of such staff.

(e) Funds authorized for a committee under this clause and clauses 7 and 8 are for expenses incurred in the activities of the committee.

Interim funding

7. (a) For the period beginning at noon on January 3 and ending at midnight on March 31 in each odd-numbered year, such sums as may be necessary shall be paid out of the committee salary and expense accounts of the House for continuance of necessary investigations and studies by—

(1) each standing and select committee established by these rules; and

(2) except as specified in paragraph (b), each select committee established by resolution.

(b) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(1) a resolution proposing to reestablish such select committee is introduced in the present Congress; and

(2) the House has not adopted a resolution of the preceding Congress providing for termination of funding for investigations and studies by such select committee.

(c) Each committee described in paragraph (a) shall be entitled for each month during the period specified in paragraph (a) to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(d) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of the committee, except as provided in paragraph (e), and approved by the Committee on House Administration.

(e) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress until the election by the House of the committee concerned in that Congress, payments under this paragraph shall be made on vouchers signed by—

(1) the member of the committee who served as chairman of the committee at the expiration of the preceding Congress; or

(2) if the chairman is not a Member, Delegate, or Resident Commissioner in the present Congress, then the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.

(f)(1) The authority of a committee to incur expenses under this paragraph shall expire upon adoption by the House of a primary expense resolution for the committee.

(2) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(3) This clause shall be effective only insofar as it is not inconsistent with a resolution reported by the Committee on House Administration and adopted by the House after the adoption of these rules.

Travel

8. (a) 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 or its territories or possessions. Appropriated funds, including those authorized under this clause and clauses 6 and 8, may not be expended for the purpose of defraying expenses of members of a committee or its employees in a country where local currencies are available for this purpose.

(b) The following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) A member or employee of a committee may not receive or expend local currencies for subsistence in a country for a day at a rate in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual, unreimbursed expenses (other than for transportation) he incurred during that day.

(3) Each member or employee of a committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and funds expended for any other official purpose and shall summarize in these categories the total foreign currencies or appropriated funds expended. Each report shall be filed with the chairman of the committee not later than 60 days following the completion of travel for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(c)(1) In carrying out the activities of a committee outside the United States in a country where local currencies are unavailable, a member or employee of a committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day, at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual unreimbursed expenses (other than for transportation) he incurred during that day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside the United States unless the member or employee actually paid for the transportation.

(d) The restrictions respecting travel outside the United States set forth in paragraph (c) also shall apply to travel outside the United States by a Member, Delegate, Resident Commissioner, officer, or employee of the House authorized under any standing rule.

Committee staffs

9. (a)(1) Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority member of the committee, as the committee considers advisable.

(2) Subject to paragraph (f) whenever a majority of the minority party members of a standing committee (other than the Committee on Standards of Official Conduct or the Permanent Select Committee on Intelligence) so request, not more than 10 persons (or one-third of the total professional committee staff appointed under this clause, whichever is fewer) may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members under subparagraph (1). The committee shall appoint persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of a person so selected are unacceptable, a majority of the minority party members may select another person for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(b)(1) The professional staff members each standing committee—

(A) may not engage in any work other than committee business during congressional working hours; and

(B) may not be assigned a duty other than one pertaining to committee business.

(2)(A) Subparagraph (1) does not apply to staff designated by a committee as ''associate'' or ''shared'' staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such staff is commensurate with the work performed for the committee in accordance with clause 8 of rule XXIII.

(B) The use of any ''associate'' or ''shared'' staff by a committee other than the Committee on Appropriations shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Administration in connection with the reporting of any primary or additional expense resolution.

(c) Each employee on the professional or investigative staff of a standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman and that does not exceed the maximum rate of pay as in effect from time to time under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority). The staff appointed under this

paragraph, other than minority assistants, shall possess such qualifications as the committee may prescribe.

(e) A committee may not appoint to its staff an expert or other personnel detailed or assigned from a department or agency of the Government except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a) is made when no vacancy exists for such an appointment, the committee nevertheless may appoint under paragraph (a) a person selected by the minority and acceptable to the committee. A person so appointed shall serve as an additional member of the professional staff of the committee until such a vacancy occurs (other than a vacancy in the position of head of the professional staff, by whatever title designated), at which time that person is considered as appointed to that vacancy. Such a person shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X. If such a vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill the vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a), and each staff member appointed to assist minority members of a committee pursuant to an expense resolution described in paragraph (a) of clause 6, shall be accorded equitable treatment with respect to the fixing of the rate of pay, the assignment of work facilities, and the accessibility of committee records.

(h) Paragraph (a) may not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under paragraph (a) by the minority party members of that committee if 10 or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraph (a)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, by an affirmative vote of a majority of the members of the majority party and of a majority of the members of the minority party.

* * * * *

RULE XI. PROCEDURES OF COMMITTEES AND UNFINISHED BUSINESS

In general

1. (a)(1)(A) The Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(2)(A) In a committee or subcommittee—

(i) a motion to recess from day to day, or to recess subject to the call of the Chair (within 24 hours), shall be privileged; and

(ii) a motion to dispense with the first reading (in full) of a bill or resolution shall be privileged if printed copies are available.

(B) A motion accorded privilege under this subparagraph shall be decided without debate.

(b)(1) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities under rule X. Subject to the adoption of expense resolutions as required by clause 6 of rule X, each committee may incur expenses, including travel expenses, in connection with such investigations and studies.

(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(3) 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.

(4) After an adjournment sine die of the last regular session of a Congress, an investigative or oversight report may be filed with the Clerk at any time, provided that a member who gives timely notice of intention to file supplemental, minority, or additional views shall be entitled to not less than seven calendar days in which to submit such views for inclusion in the report.

(c) Each committee may have printed and bound such testimony and other data as may be presented at hearings held by the committee or its subcommittees. All costs of stenographic services and transcripts in connection with a meeting or hearing of a committee shall be paid from the applicable accounts of the House described in clause 1 (i)(1) of rule X.

(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee under clause 2(d) of rule X, a summary of the actions taken and recommendations made with respect to each such plan, a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.

(4) After an adjournment sine die of the last regular session of a Congress, the chairman of a committee may file an activities report under subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.

Adoption of written rules

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

(2) Each committee shall submit its rules for publication in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year.

(3) A committee may adopt a rule providing that the chairman be directed to offer a motion under clause 1 of rule XXII whenever the chairman considers it appropriate.

Regular meeting days

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he considers necessary, additional and special meetings of the committee for the consideration of a bill or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chairman call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If the chairman does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven 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. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at that special meeting.

Temporary absence of chairman

(d) A member of the majority party on each standing committee or subcommittee thereof shall be designated by the chairman of the full committee as the vice chairman of the committee or subcommittee, as the case may be, and shall preside during the absence of the chairman from any meeting. If the chairman and vice chairman of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

Committee records

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, 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

(ii) a record of the votes on any question on which a record vote is demanded.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for

and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Standards of Official Conduct may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

Prohibition against proxy voting

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Standards of Official Conduct or its subcommittee) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record 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 national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would compromise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3) The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of a committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin a hearing sooner, or if the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business, the chairman shall make the announcement at the earliest possible date. An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(6) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

Quorum requirements

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than one for which the presence of a majority of the committee is otherwise required, which may not be less than one-third of the members.

(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee—

(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(ii) to resume proceedings on a postponed question at any time after reasonable notice.

(B) A rule adopted pursuant to this subparagraph shall provide that 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.

Limitation on committee sittings

(i) A committee 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.

Calling and questioning of witnesses

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the 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.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

Hearing procedures

(k)(1) The chairman at a hearing shall announce in an opening statement the subject of hearing.

(2) A copy of the committee rules and of this clause shall be made available to each witness on request.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigative 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 hearing may tend to defame, degrade or incriminate the witness—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Supplemental, minority, or additional views

(1) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by that member, with the clerk of the committee.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (2)(A))—

(A) 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 as it considers necessary; and

(B) 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 considers necessary.

(2) The chairman of the committee, or a member designated by the chairman, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) 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) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

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Audio and visual coverage of committee proceedings

4. (a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee shall adopt written rules to govern its implementation of this clause. Such rules shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Pay of witnesses

5. Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.

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RULE XIII. CALENDARS AND COMMITTEE REPORTS

Calendars

1. (a) All business reported by committees shall be referred to one of the following three calendars:

(1) A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred public bills and public resolutions raising revenue, involving a tax or charge on the people, directly or indirectly making appropriations of money or property or requiring such appropriations to be made, authorizing payments out of appropriations already made, releasing any liability to the United States for money or property, or referring a claim to the Court of Claims.

(2) A House Calendar, to which shall be referred all public bills and public resolutions not requiring referral to the Calendar of the Committee of the Whole House on the state of the Union.

(3) A Private Calendar as provided in clause 5 of rule XV, to which shall be referred all private bills and private resolutions.

(b) There is established a Calendar of Motions to Discharge Committees as provided in clause 2 of rule XV.

Filing and printing of reports

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor as privileged) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause I or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chairman of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, or additional views filed under clause 2(l) of rule XI by one or more members of a committee shall be included in, and shall be a part of, the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(l) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. This clause and provisions of clause 2(l) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, or additional views as provided in clause 2(l) of rule XI.

Content of reports

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (c)(3) or (4)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter. A supplemental report only correcting errors in the depiction of record votes under paragraph (b) may be filed under this subparagraph and shall not be subject to the requirement in clause 4 concerning the availability of reports.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to a report by the Committee on Rules on a rule, joint rule, or the order of business or to votes taken in executive session by the Committee on Standards of Official Conduct.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(2)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years);

(B) A comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) When practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(3)(A) In subparagraph (2) the term ''Government agency'' includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (2) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Standards of Official Conduct, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document—

(A) the text of a statute or part thereof that is proposed to be repealed; and

(B) a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

(f)(1) A report of the Committee on Appropriations on a general appropriation bill shall include—

(A) a concise statement describing the effect of any provision of the accompanying bill that directly or indirectly changes the application of existing law; and

(B) a list of all appropriations contained in the bill for expenditures not previously authorized by law for the period concerned (except classified intelligence or national security programs, projects, or activities) along with a statement of the last year for which such expenditures were authorized, the level of expenditures authorized for that year, the actual level of appropriations in the bill for such expenditures.

(2) Whenever the Committee on Appropriations reports a bill or joint resolution including matter specified in clause 1 (b)(2) or (3) of rule X, it shall include—

(A) in the bill or joint resolution, separate headings for ''Rescissions'' and ''Transfers of Unexpended Balances'' and

(B) in the report of the committee, a separate section listing such rescissions and transfers.

(g) Whenever the Committee on Rules reports a resolution proposing to repeal or amend a standing rule of the House, it shall include in its report or in an accompanying document—

(1) the text of any rule or part thereof that is proposed to be repealed; and

(2) a comparative print of any part of the resolution proposing to amend the rule and

of the rule or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(h)(1) It shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes to amend the Internal Revenue Code of 1986 unless—

(A) the report includes a tax complexity analysis prepared by the Joint Committee on Internal Revenue Taxation in accordance with section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998; or

(B) the chairman of the Committee on Ways and Means causes such a tax complexity analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

(2)(A) It shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes to amend the Internal Revenue Code of 1986 unless—

(i) the report includes a macroeconomic impact analysis;

(ii) the report includes a statement from the Joint Committee on Internal Revenue Taxation explaining why a macroeconomic impact analysis is not calculable; or

(iii) the chairman of the Committee on Ways and Means causes a macroeconomic impact analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

(B) In subdivision (A), the term ''macroeconomic impact analysis'' means—

(i) an estimate prepared by the Joint Committee on Internal Revenue Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and

(ii) a statement from the Joint Committee on Internal Revenue Taxation identifying the critical assumptions and the source of data underlying that estimate.

Availability of reports

4. (a)(1) Except as specified in subparagraph (2), it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available to Members, Delegates, and the Resident Commissioner.

(2) Subparagraph (1) does not apply to—

(A) a resolution providing a rule, joint rule, or order of business reported by the Committee on Rules considered under clause 6;

(B) a resolution providing amounts from the applicable accounts described in clause 1 (i)(1) of rule X reported by the Committee on House Administration considered under clause 6 of rule X;

(C) a resolution presenting a question of the privileges of the House reported by any committee;

(D) a measure for the declaration of war, or the declaration of a national emergency, by Congress; and

(E) a measure providing for the disapproval of a decision, determination, or action by a Government agency that would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. In this subdivision the term ''Government agency'' includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(b) A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates, and the Resident Commissioner before the consideration of the measure or matter in the House.

(c) A general appropriation bill reported by the Committee on Appropriations may not be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) on which printed hearings of the Committee on Appropriations thereon have been available to Members, Delegates, and the Resident Commissioner.

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RULE XVI. MOTIONS AND AMENDMENTS

Motions

1. Every motion entertained by the Speaker shall be reduced to writing on the demand of a Member, Delegate, or Resident Commissioner and, unless it is withdrawn the same day, shall be entered on the Journal with the name of the Member, Delegate, or Resident Commissioner offering it. A dilatory motion may not be entertained by the Speaker.

Withdrawal

2. When a motion is entertained, the Speaker shall state it or cause it to be read aloud by the Clerk before it is debated. The motion then shall be in the possession of the House but may be withdrawn at any time before a decision or amendment thereon.

Question of consideration

3. When a motion or proposition is entertained, the question, ''Will the House now consider it?'' may not be put unless demanded by a Member, Delegate, or Resident Commissioner.

Precedence of motions

4. (a) When a question is under debate, only the following motions may be entertained (which shall have precedence in the following order):

(1) To adjourn.
(2) To lay on the table.
(3) For the previous question.
(4) To postpone to a day certain.
(5) To refer.
(6) To amend.
(7) To postpone indefinitely.

(b) A motion to adjourn, to lay on the table, or for the previous question shall be decided without debate. A motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, may not be allowed again on the same day at the same stage of the question.

(c)(1) It shall be in order at any time for the Speaker, in his discretion, to entertain a motion—

(A) that the Speaker be authorized to declare a recess; or

(B) that when the House adjourns it stand adjourned to a day and time certain.

(2) Either motion shall be of equal privilege with the motion to adjourn and shall be decided without debate.

Divisibility

5. (a) Except as provided in paragraph (b), a question shall be divided on the demand of a Member, Delegate, or Resident Commissioner before the question is put if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.

(b)(1) A motion or resolution to elect members to a standing committee of the House, or to a joint standing committee, is not divisible.

(2) A resolution or order reported by the Committee on Rules providing a special order of business is not divisible.

(c) A motion to strike and insert is not divisible, but rejection of a motion to strike does not preclude another motion to amend.

Amendments

6. When an amendable proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it also shall be in order to offer a further amendment by way of substitute for the original motion to amend, to which one amendment may be offered but which may not be voted on until the original amendment is perfected. An amendment may be withdrawn in the House at any time before a decision or amendment thereon. An amendment to the title of a bill or resolution shall not be in order until after its passage or adoption and shall be decided without debate.

Germaneness

7. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Readings

8. Bills and joint resolutions are subject to readings as follows:

(a) A first reading is in full when the bill or joint resolution is first considered.

(b) A second reading occurs only when the bill or joint resolution is read for amendment in a Committee of the Whole House on the state of the Union under clause 5 of rule XVIII.

(c) A third reading precedes passage when the Speaker states the question: ''Shall the bill [or joint resolution] be engrossed [when applicable] and read a third time?'' If that question is decided in the affirmative, then the bill or joint resolution shall be read the final time by title and then the question shall be put on its passage.

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RULE XIX. MOTIONS FOLLOWING THE AMENDMENT STAGE

Previous question

1. (a) There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered. Whenever the previous question has been ordered on an otherwise debatable question on which there has been no debate, it shall be in order to debate that question for 40 minutes, equally divided and controlled by a proponent of the question and an opponent. The previous question may be moved and ordered on a single question, on a series of questions allowable under the rules, or on a amendment or amendments, or may embrace all authorized motions or amendments and include the bill or resolution to its passage, adoption, or rejection.

(b) Incidental questions of order arising during the pendency of a motion for the previous question shall be decided, whether on appeal or otherwise, without debate.

Recommit

2. (a) After the previous question has been ordered on passage or adoption of a measure, or pending a motion to that end, it shall be in order to move that the House recommit (or commit, as the case may be) the measure, with or without instructions, to a standing or select committee. For such a motion to recommit, the Speaker shall give preference in recognition to a Member, Delegate, or Resident Commissioner who is opposed to the measure.

(b) Except as provided in paragraph (c), if a motion that the House recommit a bill or joint resolution on which the previous question has been ordered to passage includes instructions, it shall be debatable for 10 minutes equally divided between the proponent and an opponent.

(c) On demand of the floor manager for the majority, it shall be in order to debate the

motion for one hour equally divided and controlled by the proponent and an opponent.

Reconsideration

3. When a motion has been carried or lost, it shall be in order on the same or succeeding day for a Member on the prevailing side of the question to enter a motion for the reconsideration thereof. The entry of such a motion shall take precedence over all other questions except the consideration of a conference report or a motion to adjourn, and may not be withdrawn after such succeeding day without the consent of the House. Once entered, a motion may be called up for consideration by any Member. During the last six days of a session of Congress, such a motion shall be disposed of when entered.

4. A bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, may not be brought back to the House on a motion to reconsider.

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RULE XXI. RESTRICTIONS ON CERTAIN BILLS

Reservation of certain points of order

1. At the time a general appropriation bill is reported, all points of order against provisions therein shall be considered as reserved.

General appropriation bills and amendments

2. (a)(1) An appropriation may not be reported in a general appropriation bill, and may not be in order as an amendment thereto, for an expenditure not previously authorized by law, except to continue appropriations for public works and objects that are already in progress.

(2) A reappropriation of unexpended balances of appropriations may not be reported in a general appropriation bill, and may not be in order as an amendment thereto, except to continue appropriations for public works and objects that are already in progress. This subparagraph does not apply to transfers of unexpended balances within the department or agency for which they were originally appropriated that are reported by the Committee on Appropriations.

(b) A provision changing existing law may not be reported in a general appropriation bill, including a provision making the availability of funds contingent on the receipt or possession of information not required by existing law for the period of the appropriation, except germane provisions that retrench expenditures by the reduction of amounts of money covered by the bill (which may include those recommended to the Committee on Appropriations by direction of a legislative committee having jurisdiction over the subject matter) and except rescissions of appropriations contained in appropriation Acts.

(c) An amendment to a general appropriation bill shall not be in order if changing existing law, including an amendment making the availability of funds contingent on the receipt or possession of information not required by existing law for the period of the appropriation. Except as provided in paragraph (d), an amendment proposing a limitation not specifically contained or authorized in existing law for the period of the limitation shall not be in order during consideration of a general appropriation bill.

(d) After a general appropriation bill has been read for amendment, a motion that the Committee of the Whole House on the state of the Union rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the Majority Leader or a designee, have precedence over motions to amend the bill. If such a motion to rise and report is rejected or not offered, amendments proposing limitations not specifically contained or authorized in existing law for the period of the limitation or proposing germane amendments that retrench expenditures by reductions of amounts of money covered by the bill may be considered.

(e) A provision other than an appropriation designated an emergency under section 251(b)(2) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act, a rescission of budget authority, or a reduction in direct spending or an amount for a designated emergency may not be reported in an appropriation bill or joint resolution containing an emergency designation under section 251(b)(2) or section 252(e) of such Act and may not be in order as an amendment thereto.

(f) During the reading of an appropriation bill for amendment in the Committee of the Whole House on the state of the Union, it shall be in order to consider en bloc amendments proposing only to transfer appropriations among objects in the bill without increasing the levels of budget authority or outlays in the bill. When considered en bloc under this paragraph, such amendments may amend portions of the bill not yet read for amendment (following disposition of any points of order against such portions) and is not subject to a demand for division of the question in the House or in the Committee of the Whole.

Transportation obligation limitations

3. It shall not be in order to consider a bill, joint resolution, amendment, or conference report that would cause obligation limitations to be below the level for any fiscal year set forth in section 8103 of the Transportation Equity Act for the 21st Century, as adjusted, for the highway category or the mass transit category, as applicable.

Appropriations on legislative bills

4. A bill or joint resolution carrying an appropriation may not be reported by a committee not having jurisdiction to report appropriations, and an amendment proposing an appropriation shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A point of order against an appropriation in such a bill, joint resolution, or amendment thereto may be raised at any time during pendency of that measure for amendment.

Tax and tariff measures and amendments

5. (a)(1) A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures, and an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of bill or joint resolution reported by a committee not having that jurisdiction. A point of order against a tax or tariff measure in such a bill, joint resolution, or amendment thereto may be raised at any time during pendency of that measure for amendment.

(2) For purposes of paragraph (1), a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.

Passage of tax rate increases

(b) A bill or joint resolution, amendment, or conference report carrying a Federal income tax rate increase may not be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting, a quorum being present. In this paragraph the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

Consideration of retroactive tax rate increases

(c) It shall not be in order to consider a bill, joint resolution, amendment, or conference report carrying a retroactive Federal income tax rate increase. In this paragraph—

(1) the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(2) a Federal income tax rate increase is retroactive if it applies to a period beginning before the enactment of the provision.

Designation of public works

6. It shall not be in order to consider a bill, joint resolution, amendment, or conference report that provides for the designation or redesignation of a public work in honor of an individual then serving as a Member, Delegate, Resident Commissioner, or Senator.

Reconciliation

7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law reducing the surplus or increasing the deficit for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year. In determining whether reconciliation directives specify changes in law reducing the surplus or increasing the deficit, the sum of the directives for each reconciliation bill (under section 310 of the Congressional Budget Act of 1974) envisioned by that measure shall be evaluated.

Applying points of order under Budget Act to bills and joint resolutions considered under special rules

8. With respect to measures considered pursuant to a special order of business, points of order under title III of the Congressional Budget Act of 1974 shall operate without regard to whether the measure concerned has been reported from committee. Such points of order shall operate with respect to (as the case may be)—

(a) the form of a measure recommended by the reporting committee where the statute uses the term ''as reported'' (in the case of a measure that has been so reported);

(b) the form of the measure made in order as an original bill or joint resolution for the purpose of amendment; or

(c) the form of the measure on which the previous question is ordered directly to passage.

Point of order against congressional earmarks

9. (a) It shall not be in order to consider—

(1) a bill or joint resolution reported by a committee unless the report includes 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;

(2) a bill or joint resolution not reported by a committee unless the chairman of each committee of initial referral has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (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 to be printed in the Congressional Record prior to its consideration;

(3) an amendment to a bill or joint resolution to be offered at the outset of its consideration for amendment by a member of a committee of initial referral as designated in a report of the Committee on Rules to accompany a resolution prescribing a special order of business unless the proponent has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the amendment (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the proponent for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

(4) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order that waives the application of paragraph (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

(c) In order to be cognizable by the Chair, a point of order raised under paragraph (a) may be based only on the failure or a report, submission to the Congressional Record, or joint explanatory statement to include a list required by paragraph (a) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

(d) For the purpose of this clause, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to any entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(e) For the purpose of this clause, the term ''limited tax benefit'' means—

(1) any revenue-losing provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

(f) For the purpose of this clause, the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

10. It shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to—

(a) the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or

(b) after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

RULE XXII. HOUSE AND SENATE RELATIONS

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11. It shall not be in order to consider a conference report to accompany a bill or joint resolution that proposes to amend the Internal Revenue Code of 1986 unless—

(a) the joint explanatory statement of the managers includes a tax complexity analysis prepared by the Joint Committee on Internal Revenue Taxation in accordance with section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998; or

(b) the chairman of the Committee on Ways and Means causes such a tax complexity analysis to be printed in the Congressional Record before consideration of the conference report.

12. (a)(1) Subject to subparagraph (2), a meeting of each conference committee shall be open to the public.

(2) In open session of the House, a motion that managers on the part of the House be permitted to close to the public a meeting or meetings of their conference committee shall be privileged, shall be decided without debate, and shall be decided by a record vote.

(b) A point of order that a conference committee failed to comply with paragraph (a) may be raised immediately after the conference report is read or considered as read. If such a point of order is sustained, the conference report shall be considered as rejected, the House shall be considered to have insisted on its amendments or on disagreement to the Senate amendments, as the case may be, and to have requested a further conference with the Senate, and the Speaker may appoint new conferees without intervening motion.

(3) In conducting conferences with the Senate, managers on the part of the House should endeavor to ensure—

(A) that meetings for the resolution of differences between the two Houses occur only under circumstances in which every manager on the part of the House has notice of the meeting and a reasonable opportunity to attend;

(B) that all provisions on which the two Houses disagree are considered as open to discussion at any meeting of a conference committee; and

(C) that papers reflecting a conference agreement are held inviolate to change without renewal of the opportunity of all managers on the part of the House to reconsider their decisions to sign or not to sign the agreement.

(4) Managers on the part of the House shall be provided a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not) of the final conference agreement by placing their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.

13. It shall not be in order to consider a conference report the text of which differs in any way, other than clerical, from the text that reflects the action of the conferees on all of the differences between the two Houses, as recorded by their placement of their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.

RULE XXVII. STATUTORY LIMIT ON PUBLIC DEBT

1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: ''That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof '$____'.'', with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

3. (a) The report of the Committee on the Budget on a concurrent resolution described in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph a).

4. Nothing in this rule shall be construed as limiting or otherwise affecting—

(a) the power of the House or the Senate to consider and pass bills or joint resolutions,

without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

5. In this rule the term ''statutory limit on the public debt'' means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at anyone time.

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OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, the gentleman from Georgia (Mr. PRICE) works very hard on organizing our Truth Squad and making sure that we are getting the word out about what needs to be gotten out in terms of the issues that are important, I think, to the American people. We are going to talk about the economy and what is happening to the economy in the United States, and I want to talk a little bit about that to begin with until Mr. PRICE gets here, and I probably will recognize my colleague from Tennessee, who is also here to speak on this issue, and ask him if he would share some comments.

The first thing I want to say is that our economy is in wonderful, wonderful shape. It is the best economy that we have had in this country for many, many years. Now, a major reason that the economy is in such great shape is because of the tax cuts of 2001 and 2003. I was not here when those tax cuts were passed, but I am very pleased that they were passed and that they brought about such a positive economy for this country. We have the lowest unemployment rate that we have had in 50 years. We have growth in all sectors. We have more people owning their homes than have ever owned them before. Incomes are up and revenues are up.

And I want to say something about revenues, using some information from the Heritage Foundation. Tax revenues in 2006 were 18.4 percent of gross domestic product, which is above the 20-year, 40-year and 60-year historical averages. The inflation-adjusted 20 percent tax revenue increase between 2004 and 2006 represents the largest 2-year revenue surge since 1965 and 1967.

There is a myth out there that tax revenues are low. Tax revenues are actually above the historical average, even after the tax cuts. We know that tax cuts are good for this economy; they are always good for the economy. The more money that we leave in the hands and the pockets of our taxpayers, the better off we are. When the government appropriates that money and spends it, the government is very inefficient in its spending of that money, and that does not grow the economy, contrary to what many of our colleagues on the other side of the aisle would like to say.

We are going to talk again more and more about the economy and the fact that it is in very good shape. And it is very unfortunate that the economy doesn't get the positive press that the economy has gotten under Democratic Presidents, when in fact most of the time the results of the good economy are coming from a Republican Congress, which knows how to do things in terms of growing the economy.

I would like to recognize now my colleague from Tennessee, who is here to make a presentation on this issue, also. I know that he will bring some enlightened points to the discussion.

Mr. DAVID DAVIS of Tennessee. Thank you, Ms. FOXX. I appreciate your leadership and your friendship just across the mountain in North Carolina from Tennessee. And thank you, Mr. Speaker, for allowing me to speak today.

It is an interesting time in America; things are going well in the economy. It is going well because Americans are working hard. I grew up in an era of politics looking back at Ronald Reagan, who was a great President. And as we all know, his birthday is today. If you go back 96 years ago was the date of his birth. And one of his quotes was, We don't have a trillion dollar debt because we haven't taxed enough, we have a trillion dollar debt because we spend too much. And I think that is a good starting point as we look towards our economy and how we run this Congress and how we work for the people across America.

Revenues are coming in at a record pace. If we continue the pace that we are at now, we will actually be able to balance our budget by the year 2012 without raising taxes; and I think that is exactly what the American people would like to see. I think they want us to hold the line on spending, I think they want a pro-growth economy, and they want a good, sound financial policy.

If you look at the Congressional Budget Office, the CBO, which is nonpartisan, it confirmed just last week that tax cuts of 2003 have helped boost our Federal revenues by 68 percent. That is good news. There are other signals that keeping taxes low, coupled with fiscal restraint and economic growth, help move us forward and help us balance our budget; and we can do that and take care of that deficit that we have.

If you look at some other statistics that are vitally important, our economy has grown for 21 straight quarters. That is rather impressive. And in the period between 2004 and 2006, Federal tax revenues rose the largest margin in nearly 40 years, not because we had raised taxes, but because we had lowered taxes. In addition to that, the deficit has been cut in half 2 years early, or ahead of schedule. That is good news for Americans. I think that is the type of leadership that America is looking for.

If you look at the way you balance a budget, like a small business does back in east Tennessee, or a family sitting around the kitchen table, and they have a small budget, their budget is tight, they are trying to decide what they need to do, they have to decide, do you cut what you spend or do you bring in additional revenue. And most people understand, as they sit around their kitchen table, you have to hold the line on spending; you can't spend more than you make, unlike government.

I am excited about a good starting point that we see from the President in his budget. It calls for making the 2001–2003 tax relief provisions permanent. I think that is exactly what the American people want. And if we do that, the administration projects total revenue to grow an average of 5.4 percent per year. The way we maintain this healthy economy that we have today is keep tax cuts permanent; that is what the American people want us to do.

We really have a simple choice, Mr. Speaker: we have the choice between a bigger economy or bigger government. And I really believe that if we look forward, what the American people want is us to hold the line on spending, hold the line on increasing the taxes and allow the economy to work the way it has worked in the past and the way it is working today.

We also need to work very hard to make sure that we hold the line not only on spending, but we need to take a good strong look in a bipartisan way at reducing earmarks. I think we need to pass the line item veto. And if we do that, it will allow the President to have better control of how tax dollars are spent.

I would also like to see a biennial budget process where we can actually sit back and let this House and this Congress take a breathing period from every other year and to find out if what we are doing works. And back in Tennessee, as State legislature, I was a State representative for 8 years, we had a balanced budget amendment in our constitution. We couldn't spend more than we brought in. And I signed on as a cosponsor to House Joint Resolution 1, which calls for a balanced budget amendment right here at the Federal level. I think that is exactly what the American people are looking for.

And, again, going back to what Ronald Reagan had to say, just to reiterate, President Reagan said: ''We don't have a trillion dollar debt because we haven't taxed enough, we have a trillion dollar debt because we

spend too much.'' And if we can remember that in this body and over in the Senate and we pass a good balanced budget that would take care of the deficit without raising taxes, I think the American people would be very pleased.

Ms. FOXX. I thank Mr. DAVIS, the gentleman from Tennessee, for his remarks. And I appreciate his being involved and sharing some information with us that is so important. This is his first term, and he has done a wonderful job.

He is my neighbor to the west. His district in Tennessee joins the 5th District in North Carolina. We both live in a wonderful, wonderful place. Every time somebody speaks to me about where I live, they say, what a beautiful place you live in, and I feel that way about it. And I want to say that it is a great honor to serve in Congress, but I can tell you that my feet are planted very firmly on the ground in the 5th District of North Carolina, and I don't ever forget where I came from and the people that I represent.

I want to talk a little bit on this issue about the economy that Mr. PRICE set up today for the Truth Squad. And I know he is going to be here probably very shortly, and when he does I am going to yield back to the Chair and hope that the Chair will recognize him so that he can continue this discussion.

I want to talk a little bit today about the economy and an egregious situation that we are facing here in the Congress as it deals with unions. I have come to the floor several times in this session and talked about what I consider the hypocrisy that is going on in this Congress by the majority party. We are having black called white and white called black in terms of pieces of things on the paper. It is astonishing to me the hypocrisy that is going on. And I think there is probably no more greater piece of hypocrisy than this so-called Employee Free Choice Act which has been introduced by the Democrats. It deals with the ability for unions to twist people's arms to get them into unions.

The unions have been steadily losing ground in this country for many, many years. My understanding is that the percentage and number of U.S. workers that belong to unions declined again in 2006, after having stabilized a little bit in 2005. BLS data show that only 13 percent of all construction workers were members of building trade unions, and that is down from 18 percent in 2001.

There is a steady erosion in the percentage of construction workers represented by unions in the past 23 years. What is happening is because the unions are losing membership, they want to take away the secret ballot.

I am going to enter into the RECORD today several different pieces which I have in front of me that I am quoting from. I am going to quote from a Wall Street Journal article of February 2, and from some other information which I will enter into the RECORD. But I want to read the beginning of this article from the Wall Street Journal because I think it is so pertinent. It says: ''Why is the new Congress in such a hurry to take away workers' right to vote?'' It seems extraordinary, but the so-called Employee Free Choice Act is right there near the top of the Democrats' agenda. This legislation replaces government-sponsored secret ballot elections for union representation with a public card-signing system.

One of the reasons that union membership is down so much in this country is because of the abuses of the unions, and also because our economy is so good. And, again, I think that Representative PRICE is going to talk more about the economy. I mentioned earlier that it is the best that it has ever been in terms of wages, in terms of income and wages and homeownership and the burden that we place on the American people from the government. But people don't need to join unions like they needed to 125 years ago or so. We did have abuses in this country by employers, and I am very sorry about that, but those abuses don't go on anymore, and people are finding out they don't have to belong to unions.

But the Democrats, who are so beholden to unions, want to take the right of a secret ballot, which is so fundamental to us in this country, and which they argue for on this floor for voters, and they want to take it away from union members or people who are thinking about forming a union. And I, again, want to make some quotes, because this article is so excellent.

Most important, it is totally unreasonable to deny all 140 million American workers the right to a secret ballot election because some employers break the law. Yes, occasionally somebody may not do what they are supposed to do. Not only is such a remedy disproportionate, it is counterproductive. If one goal is worker empowerment, how can a worker be better off if both his employer and his prospective union boss know his views on the union when the secret ballot is replaced with a public card signing? For the worker, it is the ultimate example of being caught between a rock and a hard place.

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Mr. EDWARDS, who is running for President, has said that if you can join the Republican Party, you should be able to join a union by simply signing a card. But Mr. EDWARDS' analogy is a very false one, because signing a card to join the Republican Party does not oblige you to vote for the Republican ticket in a secret ballot election. And I quote again from the article from the Wall Street Journal: ''The Employee Free Choice Act would take care of that by abolishing such elections. If the Edwards principle was applied to the political process in the 28 non-right to work States, Karl Rove and Republican Party organizers could force all Democrats and Independents to become Republicans and pay dues to the party if a majority of voters signed Republican cards. That's free choice?''

The final proof that this bill is about union power and not worker choice is revealed by its treatment of the flip side of unionization: decertification elections. These are secret ballot elections in which workers get to decide that they have had enough of the union. Under the Employee Free Choice, can a majority of workers decertify the union by signing a card? Not on your life. Here, unions want the chance to engage in a campaign to give workers both sides of the story and maybe do a better job of representing them before the union's fate is decided by a secret ballot vote.

Again, the hypocrisy is absolutely mind-boggling, and is just one more example. We have bills called one thing and they do another. It just goes on and on and on. But I think it is very important that we point out this particular hypocrisy, because the title of this bill, the Employee Free Choice Act, is I think particularly egregious in this respect.

Mr. Speaker, I yield back my time.

[From the Wall Street Journal Online, Feb. 2, 2007]

ABROGATING WORKERS' RIGHTS

(By Lawrence B. Lindsey)

Why is the new Congress in such a hurry to take away workers' right to vote? It seems extraordinary, but the so-called ''Employee Free Choice Act'' is right there near the top of the Democrats' agenda. This legislation replaces government-sponsored secret ballot elections for union representation with a public card-signing system.

Under the act, once a union gets a majority of the workers to sign a card expressing a desire for a union, that union is automatically certified as the bargaining representative of, and empowered to negotiate on behalf of, all workers. In the 28 states that do not have right-to-work laws, all employees would typically end up having to join the union or pay the equivalent of union dues whether or not they signed the card. Moreover, under the act, the bargaining process would be shortened, with mandatory use of the Federal Mediation service after 90 days and an imposed contract through binding arbitration 30 days after that.

I am sympathetic to the argument that strengthening the negotiating position of workers is good public policy, and that expanding the choices available to them is the best way to accomplish that. So, for example, pension portability unlocks the golden handcuffs that financially bind workers to jobs they may become dissatisfied with after they have become vested. Health savings accounts are an important first step to liberating people from jobs they put up with only because they fear a disruption in health-care coverage.

When it comes to unions, it doesn't take a very deep appreciation of game theory to understand that a worker's best position comes when a nonunion company has a union knocking on the door. Indeed, one allegation about ''union busting'' by supporters of the bill is that, during union certification elections, one employer in five ''gave illegal previously unscheduled wage increases while a similar number made some kind of illegal unilateral change in benefits or working conditions.''

In other words, they made workers better off. But, never fear, the Employee Free Choice Act will limit these unconscionable increases in pay, benefits and working conditions by imposing fines of up to $20,000 against employers who make such ''unilateral changes.'' Similar penalties will be assessed against employers who caution that unionization may cause them to shut down or move production elsewhere.

Sometimes the interests of workers and unions coincide, sometimes they do not. The chief complaint by the bill's sponsors is that unions only win secret-ballot elections half of the time. Apparently workers, after they think things over and when neither the union nor the company knows how they vote, often decide they are better-off without the union. The solution of the Employee Free Choice Act is to do away with such elections. It is hard to see how that ''empowers'' workers. And it is hard not to conclude that this bill has little to do with employee choice or maximizing employee leverage, and everything to do with empowering union bosses and organizers.

The unions allege that companies use unfair election campaign tactics and that a pro-employer National Labor Relations Board doesn't punish them. But statistics cited by the leftwing Web site, Daily Kos, on behalf of this allegation come from 1998 and 1999—when the entire NLRB had been appointed by President Clinton. In any event, roughly half the injunctions brought against companies by the NLRB were overturned by federal courts: This does not suggest underenforcement of the law by the NLRB.

All of this does not mean that there are no legitimate complaints about the union certification process. Companies have been found that fired workers for union organizing activities. One careful examination of NLRB data found that there were 62 such cases in fiscal 2005. This is not a large number in a work force of 140 million, or in a year where there were more than 2,300 certification elections. But it is 62 too many, and it would be reasonable to stiffen the penalties for employers who break the law. But it is hard to think of offering more pay or better worker conditions as something that should be punished with draconian penalties, as the Employee Free Choice Act does.

Most important, it is totally unreasonable to deny all 140 million American workers the right to a secret ballot election because some employers break the law. Not only is such a remedy disproportionate, it is counterproductive—if one's goal is worker empowerment. How can a worker be better off if both his employer and his prospective union boss know his views on the union when the secret ballot is replaced with a public card signing? For the worker it is the ultimate example of being caught between a rock and a hard place.

The political rhetoric in support of this bill is a willful exercise in obfuscation. For example, on the presidential campaign stump John Edwards says, ''if you can join the Republican Party by just signing a card, you should be able to join a union by just signing a card.'' The fact is, you—and everyone else—can join any union you want by just signing a card, and paying union dues and meeting any other obligations imposed by the union. But, under this bill, contrary to Mr. Edwards's false analogy, signing a card to join the Republican Party does not oblige you to vote for the Republican ticket in a secret ballot election. The Employee Free Choice Act would take care of that by abolishing such elections. If the Edwards principle was applied to the political process in the 28 non-right-to-work states, Karl Rove and Republican Party organizers could force all Democrats and independents to become Republicans and pay dues to the party if a majority of voters signed Republican Party cards. That is free choice?

The final proof that this bill is about union power, and not worker choice, is revealed by its treatment of the flip side of unionization: decertification elections. These are secret ballot elections in which workers get to decide that they have had enough of the union. So under the Employee Free Choice Act can a majority of workers decertify the union by signing a card? Not on your life. Here unions want the chance to engage in a campaign to give workers both sides of the story—and maybe do a better job of representing them—before the union's fate is decided, by a secret-ballot vote.

No one has ever argued that secret-ballot elections are a perfect mechanism, either in politics or in deciding unionization. But they are far and away the best mechanism we have devised to minimize intimidation and maximize the power of the people to really matter, whether citizen or worker. Congress should think a lot harder before it decides to do away with workers' right to vote.

[From the Coalition for a Democratic Workplace]

THE SO-CALLED ''EMPLOYEE FREE CHOICE ACT'' UNION LEADERS'' RHETORIC VS. THE FACTS

Union Rhetoric: Secret ballot elections take too long and delays of months or years are common.

Facts: The average time for an election to be held is just 39 days and 94 percent of elections are held within 56 days. The rare exceptions that take longer hardly justify abandoning the entire secret ballot election process.

Union Rhetoric: Card check procedures are the most effective way to determine the wishes of a majority of employees.

Facts: Federal courts have repeatedly ruled that secret ballot elections are the most foolproof method of ascertaining whether a union has the support of a majority of employees, noting that, workers sometimes sign cards not because they intend to vote for the union in an election, but to avoid offending the person who asks them to sign (often a fellow worker), or simply to get the person off their back.

Union Rhetoric: Employers illegally fire employees in 25 to 30 percent of all organizing drives.

Facts: Those who falsely claim employers illegally fire a large number of employees during organizing drives cite to two studies, one by Cornell professor Kate Bronfenbrenner and another commissioned by the pro-union group American Rights at Work. Unfortunately, these reports are in fact surveys of uncorroborated reports of union organizers—hardly an unbiased source. National Labor Relations Board statistics show that employees are illegally fired in just over one in 100 (1 percent) organizing drives. Furthermore, if the NLRB finds that an employer illegally fired workers during an organizing drive it has the power to order the employer to recognize and bargain with the union, even if the union lost the election.

Union Rhetoric: The secret ballot election process enables employers to wage bitter anti-union campaigns.

Facts: In almost nine out of ten cases the employer and union reach agreement on the most contentious issues surrounding union elections: the scope of the bargaining unit (who is eligible to vote), and the date and time of the election.

Union Rhetoric: In an election, management has total access to the list of employees at all times, while union supporters may have access very late in the process to a list that is often inaccurate.

Facts: Employers are required to submit complete and accurate lists of employees within one week of the determination that an election will be held. The list is then provided to the union. If the employer fails to provide the list or the list is inaccurate, the Board can set aside the election and order another, especially if errors involve a determinative number of voters.

Union Rhetoric: The Employee Free Choice Act gives employees the option of using a card-check system; it does not replace the secret ballot election. Employees are still free to choose a secret ballot process.

Facts: The card-check process does not give employees a choice at all. Instead, it gives union organizers the choice of whether to organize through a card check process. If the union chose to submit authorization cards, workers would be barred from seeking an election. In addition, the card check process can cut up to almost half of all employees out of the organizing process because the union only needs signatures from a simple majority in order to gain collective bargaining rights. During the card-check process, those employees who do not want a union do not have a voice and are in effect removed from the process of making decisions about their own jobs.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for the remaining time as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to come to the floor again today and appreciate the confidence of my leadership in allowing me to organize this hour and come chat a little bit with our Members here and to point out some interesting information in another edition of the Official Truth Squad.

The Official Truth Squad is a group of individuals who try to come to the floor on this side of the aisle at least once a week in an effort to bring some truths and some facts to the items that we talk about on this floor. I know it won't surprise you, Mr. Speaker, but oftentimes some of the things we hear on this floor aren't necessarily the truth. So what we try to do is to point out items that are of importance in terms of information to the American people and how we on this floor ought to be making decisions on their behalf.

And in so doing, we have a number of individuals we like to point to as kind of leaders in the public arena, both present and past, who have had as one of their hallmarks making certain that they discussed truth and made certain that they used facts in developing their positions.

One of my favorite quotes comes from Senator Daniel Patrick Moynihan, former United States Senator from New York, and he had a quote that said: ''Everyone is entitled to their own opinion but not their own facts.'' I think that is incredibly important as we talk about this issue that we are discussing today, the economy and the budget and issues that relate to how Washington spends hard-earned taxpayer money.

One of the most important facts is it is the taxpayers' money, it is not the

government's. And there are many people who are here in Washington who believe that somehow, just by some miraculous nature, when the money is sent to Washington that somehow it becomes the government's money. Well, Mr. Speaker, I would hope you would agree with me that in fact it is the taxpayers' money and we need to spend it very, very wisely.

One of the other relative issues that I think has seen a lot of naysayers and a lot of misinformation is the state of our economy right now. If you ask folks, most people across this Nation will say that their own economic situation is pretty good and they feel pretty good about the future. If you ask them how the economy in the Nation is going, the majority of them say that it is not going well at all. And that, I believe, to be in large part due to much of the messaging that comes out of Washington. Our good friends on the other side of the aisle have been down-talking this economy for years, literally years.

So I was curious that over the weekend the Wall Street Journal had an editorial that they entitled: ''The Current 'Depression,''' and they used ''depression'' in quotes, because if you really look at the numbers, if you look at the facts, Mr. Speaker, they kind of belie the naysayers in what they have been saying: 110,000 new jobs in January, 41 straight months of job growth in this Nation. The average job growth in 2006 was 187,000 jobs; 2.2 million new jobs in 2006, and 7.4 million new jobs since 2003; 7.4 million new jobs since 2003.

When you compare this expansion to the expansion that all sorts of folks talk about as being the be-all and the end-all, and that is with the expansion of the 1990s, when you compare this expansion, the expansion that we are currently in, the economic success that we are currently in is better when you look at many, many parameters.

Unemployment, for example. The first six years of the 1990s, 1991 through 1996, had an average unemployment rate of 6.4 percent. The average unemployment rate for the first 6 years of this decade: 5.4 percent. And as you know, Mr. Speaker, that unemployment rate is at 4.6 percent. And the last time I looked, if the average unemployment rate is 4.6 percent, it means that 95.4 percent of folks are working.

Real wage growth. Our friends on the other side of the aisle often talk about, well, this is a recovery, an economy that isn't resulting in real jobs; the wage growth isn't occurring, people's wages aren't increasing. Well, if you compare it to the vaunted years of the early 1990s, real wage growth for those first 6 years averaged 0.6 percent per year increase. 2001 through 2006, real wage growth in this Nation up 1.5 percent, and last year it was 1.7 percent increase. And that is accounting for inflation. It is accounting for inflation, Mr. Speaker.

Now, one might want to ask, given the success of the current economy, how did that happen? What happened? How did that occur? How are we seeing the kind of results in the economy, the good news that we are currently seeing?

And I am fond of using charts because I think that they paint a picture that is oftentimes, at least for me, easier to comprehend and easier to get my arms around. This is a chart that runs from 2000 through 2006, and we are going to update the numbers for this most recent quarter. But what it shows here on this vertical line, this dotted green vertical line is when we began this remarkable expansion. And what occurred on that at that point was, you guessed it, Mr. Speaker, appropriate tax reductions for the American people. So when you decrease taxes, what happens is that the blue line, you get more jobs; the red line, you get increasing business investment; and, lo and behold, something that President Kennedy knew and President Reagan knew, when you decrease taxes, which occurred at the nadir of this graph here, what happens is that you increase government revenue.

It sounds counterintuitive, but in fact it isn't. If you decrease taxes, if you allow individuals to have more of their hard-earned money, what happens is that the economy grows and, because of that, tax revenue flows to the Federal Government.

Now, an individual who is joining us today for this edition of the Official Truth Squad, an individual who is a new member of our conference from California who knows a lot about taxes and a lot about the issue of taxes and how they affect us on a daily basis, I am pleased to ask my friend Kevin McCarthy from California to join us and give us some insight into exactly where those taxes come from and how often we are taxed. I think that is the kind of truth and facts you would like to bring to us today.

Mr. MCCARTHY of California. I thank the gentleman for yielding the time.

I do come from California and I am a new Member, and I think as is only fitting we are talking about how letting people keep their hard-earned money, how jobs grow, revenue grows, and individuals can spend the money on what they desire, like putting their kids through college. But we would be remiss if we didn't mention this day, because I think it is rather ironic. Today is the 96th birthday of Ronald Reagan, and nobody finer than that talked about taxes and talked about which way they went. And President Ronald Reagan was actually Governor of California at one time. That is where I come from prior to serving in this House; I served in the State assembly. And when I got elected to the State assembly, we had a $36 billion deficit.

And much like the other side of the aisle here, the other side of the aisle there, their answer was to raise taxes. We sat down, the Republicans, and crafted a bill that actually proposed a budget that didn't raise taxes. It gave incentives that let people keep more of what they earned. We have seen revenues continue to grow. We are now about out of our deficit, which was fundamentally the biggest one they have ever had, and it has continued to move forward that we were able to bring more revenues in.

But I want to put forth really the graphs you have been talking about, put it into everyday life, put it into where people understand it. Where you saw that graph continue to take off, that is when the tax cut happened.

Now, what does that mean to the millions of Americans? Well, more than 100 million Americans have now had more than $2,200 of tax relief. That may not sound like a lot of money to Washington where they spend trillions of dollars, but that is $180 a month. Do you know what that means? That means day care, that means you can take your kids maybe to Disneyland, that means you can go and invest for your kids' college future. That is what it means when you send more than $1 trillion back to the taxpayers that actually earned the money.

Now, to put it in a much broader perspective where a person can understand day-to-day life, I always like to see what I did today and what did it mean about taxes and what did it take out of my pocket on my money.

When I woke up this morning, I took a shower. Do you know what? I paid a tax on that water. When I got out, a friend of mine needed a cup of coffee, I bought a cup of coffee. I paid a tax on that. We had to stop at the gas station and put gas in the car. We paid a tax there. When we got to work, most Americans work the first 3 hours just paying the taxes before they earn any money. When I go home, I am going to turn on the TV. Hopefully, I made C–SPAN. I am going to pay a cable tax just to watch the government at work. Then when I go out, somebody is going to have to travel for their work. They are going to buy an airline ticket; they are going to pay a tax on the ticket. They are going to rent a car; they are going to pay a tax on the car.

They check into the hotel; they are going to pay an occupancy tax. And, God forbid, if the other side of the aisle gets their way and we are successful in individuals earning money, the death tax is going to come back. We are taxed from the morning we wake up to take a shower to the night we go to sleep. It is tax, tax, tax.

And I am here to say, just like Ronald Reagan said: ''We don't have a tax issue when it comes to that, we have a spending problem.''

Our revenues are coming in and coming in very strong. So I would proclaim and what I would like to see happen is we actually reform so that we can compete. I will tell you, I have two small kids, Connor and Megan who are just 12 and 10, and every day I call home when I'm back here and we talk about their education, we talk about if they have

done their home work. Because I am not concerned with my kids from Bakersfield, California competing with kids with Sacramento, California or even competing with kids from Georgia. Do you know who I am concerned with my children competing with when they grow up? Kids from China and India. And we need a system that allows us to be competitive. We need a tax system that creates jobs, we need a tax system that creates entrepreneurs. And the way we do that is let taxpayers keep more of what they earned.

That is why I applaud you today for your truth, and I applaud you for coming down and doing this work.

Mr. PRICE of Georgia. I thank the gentleman for coming and joining us today and helping out and bringing truth and facts to the issue of the economy and especially taxation, because oftentimes people don't think about the times that they do indeed pay tax.

I try to visit as many schools as I can in my district back in Georgia, and when I am in front of student groups, I oftentimes ask them, Do you pay any tax? And of course most often they say, Oh, no. We don't pay any tax. Our parents pay some tax, but we don't pay any tax. Then you ask them, Did you buy a pack of gum? Paid for any of your shoes lately? Have you bought any food? Anything that you buy, anything that you buy has taxes on it. So any consumable product whatsoever has taxes on it. So everybody contributes into it. And when individuals are able to keep more of their own money, what happens is that the economy is able to flourish to a much greater degree. So I appreciate the information that you brought about taxes.

I also want to point out that you mentioned that our good friends on the other side of the aisle seem to be moving in the direction of allowing the appropriate tax reductions that resulted in this success, to allow those tax reductions to go away, which means a tax increase for the vast majority of Americans all across this Nation. And if they do what they have basically said they are planning on doing, and that is allow those tax reductions to expire, allow taxes to go up, the marginal tax rate, that is the rate, the percentage of income that each and every American pays to government to run the services, will be over 50 percent for the first time since the late 1970s. And, Mr. Speaker, some of our Members may not remember the late 1970s, but I remember it and I know that my good friends here remember it, and that is that we had something called the misery index.

□ 1530

It was the last time that inflation and unemployment were just skyrocketing, both of them because of poor programs of the Federal Government.

So I fear that what will happen if our good friends on the other side of the aisle get their way is that we will revisit the misery index. So we are here to try to bring truth and fact and light to the issue of the economy and taxation and the budget.

I am so pleased to be joined by my good friend from Tennessee, the congresswoman MARSHA BLACKBURN, who understands business, understands the economy and budgetary issues as well or better than the vast majority of folks in this Chamber. I look forward to your comments today as we talk about budget, economy and taxes.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia; and I was so pleased that the gentleman from California mentioned Ronald Reagan and his birthday and brought up the Ronald Reagan quote that government does not have a revenue problem; government has a spending problem. This is something that we all know and we all realize and certainly because of the tax reductions that were put in place, and the gentleman from Georgia showed us the charts that showed how the tax reductions went into place in 2003, and we have seen not only growth in our GDP, not only jobs growth but a reduction in the deficit and record revenues for the Federal Government. Because when those rates of taxation go down, we know that revenues to the government go up.

I was listening to the gentleman from California, and I recalled a conversation with one of my constituents this weekend. He came to me and he said, MARSHA, look at this here in the paper. It was a note that on February 3, 1913, is when the Federal income tax went into place. So here we are at a time when that is being remembered. February 3, 1913, a 1 percent temporary tax, only on the wealthiest, went into place to pay for a war.

And look at what we have got now: an IRS that is big and is bloated and is cumbersome and wants more and more and more, a government that wants more and more and more of the dollar that the taxpayer earns. It is like another saying that Ronald Reagan had: The closest thing to eternal life on earth is a Federal Government program.

1913, a tax was put in place to pay for a war, to fund a defense effort; and today it is bigger than ever and is still in place.

So how appropriate that we come this week and we talk about the budget and we talk about what the President is bringing forth and we talk about the Tax Code and the changes that should be made and the changes that ought to be made and the steps that we should be taking to be certain that the American people retain more of their paycheck. It is an important thing to do.

As I was looking through the President's budget that he is offering forth this week, one of the things that caught my eye and that I was pleased to see is that he is recommending the elimination of 141 programs that maybe have outlived their usefulness, that need to be revisited, that the duties could be shuffled to another one, that could be merged with another program so that services are delivered more effectively and more efficiently. I was very pleased to see that because, as I said earlier, we know that there is a spending problem in Washington, DC.

We have had our focus on addressing that; and what we want to do is reduce that spending, eliminate programs that have outlived their usefulness and make certain that we do not raise taxes. It is important that we move forward balancing the budget. It is important that we get the fiscal house in order. It is imperative that we do it without raising taxes.

So I am looking forward to working to make certain that we focus on waste, fraud and abuse, working to make certain, Mr. Speaker, that we eliminate those programs and, Mr. Speaker, working to make certain that we keep the commitment to the American people that their tax bill is not going to go up, that their tax bill is going to be going down.

I thank the gentleman from Georgia for yielding.

Mr. PRICE of Georgia. I thank you so much for joining us again today and bringing light and truth to an issue that is so remarkably important because it gets to the bottom line for each and every American and each and every American family.

What we do at home, when we have discussions about our family budget, is that we determine how much money we have to spend and then we determine what our priorities are. Depending on what those priorities are, that is how we allocate money, and we try to make certain that we set aside some savings as well for a rainy day, for a difficult time. That ought to be what the Federal Government does, as you well know, but, sadly, that appears to be not the plan of the new majority here.

So it is important that we talk about family budgets, about how family budgets ought to parallel Federal budgets, government budgets.

I would be pleased to yield if you have a comment.

Mrs. BLACKBURN. I thank the gentleman from Georgia.

One of my constituents this weekend was talking about this very issue, and he was very concerned. He had been reading some of the reports, hearing some of the things about the tax reductions that had been put in place in 2003 may be allowed to expire; and he said, MARSH, you know, it is all too often that I have got too much month left over at the end of my money.

His point to me and his admonition was the time has come to achieve greater efficiencies. Every one of our constituents can go through their district and see any number of Federal agencies, State agencies, local agencies that are wasting taxpayer money. They know they cannot do that in their family budget. They know that they cannot do that in their small business

budget. As we have said time and again, this is the hold-on-to-your-wallet Congress. They are determined to get more of the taxpayer money, and we are going to stand solid with the taxpayers to make certain that we help protect those pocketbooks.

Mr. PRICE of Georgia. I thank the gentlewoman for her comments and for again pointing out how important it is to have our budget here at the Federal level compare or track what we do at home.

In fact, what we do at the State level, virtually every single State has a balanced budget because they cannot do what Washington does, and that is print money. Having served in the State legislature, we would spend days and weeks and months sometimes dealing with the hard-earned taxpayer money, again not government money, but hard-earned taxpayer money and make certain that our budget was balanced at the State level.

In fact, in Washington I am distressed that is not exactly what occurs. I am a strong supporter of a balanced budget, and what you will see on some of the charts and information that we currently have is that the tax policies that have been put in place and the program changes that have been put in place, something that is not well-known, is that the nondefense discretionary money, which is about 16 to 17 percent of our overall budget right now, has been actually decreasing as it relates to inflation. So Congress has been trying diligently to try to make certain that it reins in costs and spending. Because, Lord knows, we have not got a revenue problem; we have got a spending problem.

If you track out the budget itself, and this is with Congressional Budget Office numbers, they are not the kind of numbers that I think demonstrate the upside that we receive from tax reductions, but, in any event, what they do show is that at about 2011 the budget is balanced. The budget is balanced, and that is if we keep our current programs in place. Now, we can get to that point a lot sooner if we get more responsible on the spending side.

Now, my good friends on the other side of the aisle will tell you, well, we are going to balance the budget, too, and they can do that if they just left things alone. We would get to a balanced budget. But what they will tell you is we need to spend more in other areas, and so we need to tax Americans more. We are going to balance the budget, yes, but we are going to do it by taxing the American people more, and I would suggest, Mr. Speaker, that that is not the way in which we need to move forward.

We will talk about some other revenue items and some other aspects of a balanced budget, but I want to address what has been termed by many myths, 10, 12 number of myths about President Bush's tax reductions. These are the tax reductions, appropriate tax reductions, that our friends on the other side of the aisle say they have to end. They have to increase taxes on the American people.

The Democrat majority has to write a budget. They have to write a budget. Each year, the majority party has to write a budget, and the House has to pass a budget.

The new majority, the Democrat majority, has three options in that budget as to how they are going to deal with these appropriate tax reductions that were put in place earlier in this decade. They can extend them. They can continue the appropriate tax reductions, something that I and the vast majority of folks on our side of the aisle believe ought to occur. They could allow them to expire. Virtually all of them are slated to expire in 2011.

So, if no action is taken, then the other side will, in fact, increase taxes, or they can repeal them. They could increase taxes right way. So they have the responsibility of determining exactly what they are going to do with those appropriate tax reductions.

There are a number of myths that have grown up around these tax reductions that I would like to highlight. One is that the tax reductions themselves or the tax revenues themselves remain low. In fact, Mr. Speaker, as I have on a previous chart shown, the tax revenues are above the historical average, even after these appropriate tax reductions.

Tax reductions in 2006 were about 18.4 percent of the gross domestic product, which is actually above the 20-year, 40-year and 60-year historical averages. Now the inflation-adjusted 20 percent tax revenue increase between 2004 and 2006 represents the largest 2-year surge in tax revenue since 1965 and 1967. Let me repeat that, Mr. Speaker. The revenue to the Federal Government increased 20 percent over a 2-year period between 2004 and 2006, which is the largest increase in revenue to the Federal Government since 1965 and 1967. So claims that Americans and the American people are undertaxed according to history are simply patently false, absolutely untrue, and so it is important to remember that tax revenues are up because of a decrease in taxes, decrease in liability to the American people.

When you compare the tax revenues in the fourth fiscal year after each of the past recessions, it shows that the tax revenues were basically the same. So, in 1987, tax revenues were about 1.4 percent of gross domestic product; 1995, 18.5 percent; and 2006, 18.4 percent.

All of that is to say, Mr. Speaker, that when you decrease taxes, the revenue that comes into the Federal Government stays about the same as a percentage of the overall economy, but you decrease the number for each and every American because the economy is increasing and the revenue increases to the Federal Government. So tax reductions are good for the government. Tax reductions are good for the American people.

The second myth that I want to talk about and discuss as it relates to the appropriate tax reductions that were adopted by this Congress back in 2001 and in 2003, the myth that is out there is that these tax reductions substantially reduced 2006 revenues and expanded the budget deficit. Well, the fact of the matter, Mr. Speaker, is that nearly all of the 2006 budget deficit resulted from additional spending above the baseline.

I am the first to tell you, Mr. Speaker, that the Federal Government, Washington, has been spending too much money, too much of hard-earned taxpayer money. That being said, I think it is important that our friends on the other side of the aisle, who say that they want to balance the budget, do so by doing the responsible thing and that is decreasing spending and not increasing taxes.

In the first place, if you increase taxes, what you do is, over the long term, you get less revenue to the Federal Government, but in terms of budget deficit, what you see is that you will decrease the deficit more rapidly by decreasing taxes and by decreasing spending.

□ 1545

Now critics tirelessly contend that America's swing from budget surpluses in 1998 through 2001 to a $247 billion budget deficit in 2006 resulted chiefly from what they call ''irresponsible'' tax reductions. This argument, however, ignores the historic spending increases that pushed Federal spending up from 18.5 percent of GDP in 2001 to 20.2 percent of spending in 2006.

Furthermore, tax revenues in 2006 were actually above the levels projected. We have talked about that before. They were above the levels that were projected before the 2003 tax cuts.

Now, immediately before the 2003 tax cuts, the Congressional Budget Office projected that the 2006 budget deficit would be $57 billion. Yet the final 2006 budget deficit was $247 billion. Now, the $190 billion deficit increase resulted from Federal spending, resulted from Federal spending that was $237 billion more than projected. So revenues were actually $47 billion above projections even after the $75 billion in tax cuts that the other side says hurt, hurt the bottom line and hurt the deficits.

So these myths, I think, are important to correct to point out the factual nature of what is going on as opposed to just flying by the seat of your pants, which is not the way folks do their family budget and certainly ought not to be the way that we do our Federal budget.

The next myth I want to talk about is the capital gains taxes; tax cuts do not pay for themselves. There is kind of this sense that folks say, well, if you keep capital gains low, those are the taxes that people pay on the profits that they made on investments.

I am in favor of doing away with them all together. But if you keep

them low, what happens is you don't get the same amount of revenue into the Federal Government. Well, the fact of the matter is that capital gains tax revenues doubled, doubled following the 2003 tax cut.

Did you hear that? Capital gains tax revenues doubled following the 2003 tax cut.

Now, whether a tax cut pays for itself depends on how much people alter their behavior in response to that policy. Investors have shown to be the most sensitive to tax policy because capital gains tax cuts encourage new investment to more than offset the lower tax rate.

This chart here is a demonstration of exactly that. What we see here is a chart that shows capital gains tax revenues that doubled following the 2003 tax cut. The yellow line here projected from 2003 through 2006, the yellow line demonstrates what the Congressional Budget Office said would be the taxes gained from capital gains tax revenue. The blue line which you see is significantly higher than that are the actual revenues that came into the Federal Government following the 2003 capital gains tax reduction.

So in 2003 capitalize gains tax rates were reduced from 20 percent to 10 percent, depending on income, to 15 percent and 5 percent. Now, rather than expand by 36 percent from the current $50 billion level to $68 billion in 2006, as the CBO projected, capitalize gains revenue more than doubled $103 billion, $103 billion, more than twice what was projected. Past capital gains cuts have shown similar results as well.

The fact of the matter is, remember, you can have your own opinions as you walk through this discussion of the economy and of tax policy and of budget policy, but it is important that we look at facts so that we are making appropriate decisions here on behalf of the American people.

The fact of the matter is that when you decrease capital gains taxes you increase investment in America and you increase the revenue to the Federal Government, which is demonstrated clearly by this chart that we see right here.

Another myth that I want to talk about is the myth that says that the tax deductions are to blame for the long-term budget deficits. In fact, that isn't true at all. Projections show that entitlement or automatic spending, automatic costs, will dwarf the projected large revenue increases of the current tax reductions. As you remember, the graph that I had up here had revenue to the Federal Government increasing because of the appropriate reductions in taxes to the American people.

However, those increases will all be eaten up by automatic spending that occurs here in Washington. Some folks call these programs entitlement programs. They are primarily Medicare, Medicaid and Social Security.

These are the automatic programs where the spending continues to increase based upon a formula.

I have a chart that I would like to share with you that demonstrates clearly the challenge and the problem that confront not just those of us representing Americans but all of America. These are three pie charts that demonstrate the mandatory or automatic spending that occurs, primarily again in Medicare, Medicaid and Social Security. This is 1995. Those programs comprised approximately half of the Federal budget, 48.7 percent of the Federal budget.

Now, the percent of the Federal budget that was utilized at that time for interest on the debt was 15.3 percent, a point much greater than current, and then discretionary spending where we have all of the Federal programs that people think about in terms of transportation, national park programs, all of those kinds of things, in addition to defense, that portion, in 1995, was 36 percent.

Again, about 48.7 percent was the mandatory portion of the budget. In 2005, just 2 years ago, that portion had grown from 48.7 percent to 53.4 percent. Again, Medicare, Medicaid, Social Security, there were automatic spending increases over a period of time with those three specific programs.

If you track out to 2016, you get to 63.9 percent of the Federal budget. So those are the automatic programs that are in place, the automatic spending programs that are in place. This is clearly, clearly unsustainable. Spending of the entire GDP has kind of hovered around 20 percent for the past half century.

However, with the retirement of the baby boomers, this is the first year that baby boomers will begin to receive Social Security. Social Security, Medicare and Medicaid will see significant increases in the amount of revenue projected to increase over 10.5 percent over the next 10 years. What you see is an increase to 63.9 percent by 2016.

Clearly, clearly, these French-style spending increases, not tax policy, are the problem. In Washington, lawmakers, all of us, all of us have a responsibility and should focus on getting these entitlements under control, as opposed to raising taxes on the American people. That not only will not work, they may be good bumper sticker politics, but they will not work to solve the problem. This is hard work, significant challenges that confront all of us.

Next myth I would like to address very briefly is that raising tax rates is the best way to raise revenue. There is kind of this general belief on the other side of the aisle that all you have to do to get more money is to raise more taxes.

As you know, tax revenues themselves correlate with economic growth, not with tax rates, so that as the government increases its revenue as the economy grows, many of those who desire additional tax revenues regularly call on Congress to raise taxes. But tax revenues are a function basically of two variables. One is tax rates and two is the tax base.

Since 1952, the highest marginal income tax rate has dropped from 92 percent to 35 percent, dropped from 92 percent to 35 percent. At the same time, tax revenues have grown in inflation-adjusted terms while remaining basically a constant percent of GDP. They are basically a perfect correlation between those two.

I think it is exceedingly important for all of us here and the American people to realize and appreciate that raising taxes doesn't raise tax revenue. In fact, as we saw from the previous charts, it is decreasing taxes that increase tax revenue.

One other myth that I would like to talk about very briefly is that there is this myth that reversing the upper income tax reductions, the upper income tax cuts, would raise substantial revenues. In fact, the lower income tax cuts reduced tax revenue more than the high income tax reductions.

I have a chart that will show that as well. This chart oftentimes comes as a real eye opener for the American people and for so many of my colleagues here, as a matter of fact. This chart shows the share of individual income taxes that are paid by different portions of our society, and I would like to just point to the last two bars, the last two bar graphs down there.

This one, the larger one, that demonstrates that over 96 percent of all tax revenue comes from folks in the upper half of the income bracket of this Nation, and that the bottom 50 percent, the lower 50 percent pay less than 4 percent of the tax revenue that comes into the United States.

Now, that is important because if you try to concentrate on just the middle-income folks, in fact, you will not generate the kind of money that you are talking about or that you need, and you also will significantly depress the economy.

Again, it is important to talk about facts. It is important to talk about truth as we talk about making certain that we have the right policy here at the Federal Government.

Finally, there is a myth out there that these reductions, tax reductions, haven't helped the economy. In fact, the economy has responded to the 2003 tax reductions in remarkable ways, as we have already pointed out. GDP grew at an annual rate of 1.7 percent in the six quarters before the tax reductions. The six quarters that followed the tax reductions, it grew at 4.1 percent; 1.7 percent before, 4.1 percent afterward. It is a fact.

Nonresidential fixed investment declined for 13 consecutive quarters before the 2003 tax reductions. Since then, it has expanded for 14 consecutive quarters. Down 13 quarters before, up 14 quarters afterward. It is a fact, not an opinion.

Standard & Poor's 500 dropped 18 percent in the six quarters before the 2003 tax cuts. After, increased 32 percent over the next six quarters; before, down 18 percent; after, up 32 percent. That is a fact, not an opinion.

The economy, six quarters before the 2003 tax cuts lost 267,000 jobs. In the six quarters after, increased 307,000 jobs, and, as you well know, since then we have burgeoned by having 7.3 million new jobs since the middle of 2003.

What we have tried to do today is try to bring to the American people some truth, some facts as we talk about the budget that will have to be laid out here over the next month to 6 weeks, pointing out the remarkable fallacy of so many of the arguments that are used on the floor of this House to say that, well, we have just got to raise taxes. You have heard some of the Presidential candidates out there on the stump, saying, we have just got to raise taxes. In fact, some of my good friends on the other side of the aisle say just that, nothing we can do except raise taxes.

You know and I know that the truth of the matter is that when you look at how the economy operates, how the Federal Government gains revenue, that, in fact, decreasing taxes, maintaining the appropriate tax reductions, allowing the American people to keep more of their hard-earned money is exactly what is the prescription that is necessary for America and for the economy to continue to flourish.

So I look forward to working with my colleagues on both sides of the aisle. I look forward to a spirited debate. I think the question really is, when you get right down to it, the question becomes who ought to decide; who should decide how the American people spend their hard-earned money. Should it be the government? Should it be more government programs? Regardless of whatever area of the society you want to talk about, is it the Federal Government and State governments that ought to be making those decisions?

Or should it be, as I and so many of my friends on this side of the aisle believe, that those decisions are better left to individual Americans? They make better decisions about what to do with their hard-earned money when they are allowed to keep their hard-earned money and not have it rolled into the Federal Government as tax revenue.

I am pleased to be able to provide hopefully a bit of light, a bit of truth, a bit of fact for this Chamber, and deal with the issues that are coming before us over the next 4 to 6 weeks. I look forward to this discussion on this debate.

Mr. TIAHRT. Mr. Speaker, yesterday President Bush sent us his budget request for Fiscal Year 2008. This request includes his spending priorities for each federal agency.

I applaud his efforts to balance the budget by the end of the decade, and to do so without raising taxes on American families. I also applaud his recent efforts to reduce the burden of agency guidance documents through the Final Bulletin for Agency Good Guidance Practices that was published on January 25th.

In addition to federal regulations, which are burdensome enough, the past decade has seen an explosion in "guidance documents" that are not legislated but have the same effect as regulation on American employers and can stifle their growth. As OMB itself noted:

> The phenomenon we see in this case is familiar. Congress passes a broadly worded statute. The agency follows with regulations containing broad language, open-ended phrases, ambiguous standards and the like. Then as years pass, the agency issues circulars or guidance or memoranda, explaining, interpreting, defining and often expanding the commands in regulations. One guidance document may yield another and then another and so on. Several words in a regulation may spawn hundreds of pages of text as the agency offers more and more detail regarding what its regulations demand of regulated entities. Law is made, without notice and comment, without public participation, and without publication in the Federal Register or the Code of Federal Regulations.

In this spirit, I encourage my colleagues on both sides of the aisle to examine the agency budget requests not only with regard to fiscal matters but also with regards to how spending priorities affect our economic competitiveness.

Taxpayer dollars should be used to benefit the public good. Unfortunately, we have seen over and over again that—often with good intention—agencies instead use taxpayer money to impose and enforce regulations that literally strangle businesses and impede job growth.

Regulation imposes its heaviest burden on small and medium sized businesses because it is harder for them to handle the necessary overhead costs of paperwork, staff time and attorney and accountant fees.

Richard Vedder, an economist at the Center for the Study of American Business, finds that federal regulations cause $1.3 trillion in economic output to be lost each year. This is roughly equivalent to the entire economic output of the mid-Atlantic region.

I have to imagine that processing this paperwork also requires a lot of agency time and reduces their ability to clean up the environment, provide better health care, improve labor conditions, make our transport systems more efficient, etc. If the government instead worked with employers to create a better work environment and a cleaner and safer nation, both sides could better accomplish their goals. The real winner would be the American people.

As we go through the budget and appropriations process, I hope that we do so with an eye towards keeping our nation economically competitive now and in the future. We should look for ways in which the government can better work with employers, and also for the best programs to fund to train our children and children's children for the 21st Century economy.

□ 1600

NO BLANK CHECK FOR THE PENTAGON

The SPEAKER pro tempore (Mr. TIERNEY). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in an interview published yesterday by the McClatchy newspaper chain, Dick Armey, our former Republican majority leader, said he felt really bad about voting to go to war in Iraq. Mr. Armey said, "Had I been more true to myself and the principles I believed in at the time, I would have openly opposed the whole adventure vocally and aggressively."

It takes a big man to admit something like that. Chris Matthews on MSNBC on election night said, "The decision to go to work in Iraq was not a conservative decision historically" and said the President asked Republicans "to behave like a different people than they intrinsically are."

In 2004, William F. Buckley, Jr., often called the godfather of conservatism, wrote that if he knew in 2002 what he knew by 2004 he would have opposed going to war in Iraq.

Today, the Oversight and Government Reform Committee held a hearing on the subject of waste, fraud and abuse in Iraq. A couple of years ago the same committee, then under Republican leadership, held a similar hearing.

David Walker, now head of the GAO but then Inspector General of the Defense Department, testified at that time that $35 billion had been lost in Iraq due to waste, fraud and abuse and another $9 billion had just been lost and could not be accounted for at all.

I heard a talk by Charlie Cook, the very respected political analyst, who said people could not really comprehend anything over $1 billion. But $44 billion is an awful lot of money in anybody's book.

A Foreign Service Officer told me last year, a few months after he had left Iraq, that he sometimes saw SUVs there filled with cash with barely enough room for the driver.

Conservatives have traditionally been the strongest opponents and biggest critics of Federal waste, fraud and abuse. Conservatives have traditionally been the strongest opponents and biggest critics of wasteful, lavish and ridiculous Federal contracts. Conservatives, especially fiscal conservatives, should not feel any obligation to defend wasteful spending or lavish Federal contracts just because they are taking place in Iraq.

Ivan Eland, in the January 15 issue of the American Conservative Magazine, wrote this. He said, "Many conservatives who regularly gripe about the Federal Government's ineffective and inefficient use of taxpayer dollars give the Pentagon a free ride on their profligate spending habits."

Conservatives admire, respect and appreciate the people in the military as much or more than anyone. Conservatives believe national defense is one of the few legitimate functions of the Federal Government and one of its most important. However, this does not mean we should just routinely give the Pentagon everything it wants or

turn a blind eye to waste in the Defense Department.

The Defense Department is a gigantic bureaucracy, in fact, the biggest bureaucracy in the world. It has the same problems and inefficiencies of any giant bureaucracy; and conservatives, especially fiscal conservatives, should not give a free ride to waste, fraud and abuse just because it is done by the Defense Department.

Counting our regular defense appropriations bill, plus emergency and supplemental appropriations bills, plus the military construction appropriations bill, plus the end-of-the-year omnibus appropriations bills, we spend more on defense than all of the other Nations of the world combined. Yet the military, like all other bureaucracies, always wants more money.

Well, at some point, we are going to have to decide, do we want national defense for our own people, or are we going to be the policeman of the world and provide international defense for all countries that claim to be our allies?

With a national debt of almost $9 trillion and unfunded future pension liabilities of many trillions more, I believe it is both unaffordable and unconstitutional for us to try to be the policeman of the world. We will soon not be able to pay Social Security and veterans' pensions with money that means anything, and all of the other things the Federal Government is doing, if we try to maintain an empire around the world.

Conservatives have traditionally been the biggest critics of interventionist foreign policies because they create so much resentment for us around the world.

Finally, Mr. Speaker, conservatives have traditionally been the biggest critics of nation building, as President Bush was when he ran for the White House in 2000. We need the more humble foreign policy he advocated then, or we need to tell the people to forget about their Social Security because we are giving blank checks to the Pentagon.

GENERAL LEAVE

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

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

There was no objection.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this afternoon, I rise on behalf of the 44-member-strong, fiscally conservative Democratic Blue Dog Coalition, as we demand from this Government fiscal accountability as well as fiscal responsibility.

Mr. Speaker, as you walk the halls of Congress, it is easy to know when you are walking by the door of a fellow fiscally conservative Democratic Blue Dog Coalition member, because you will see this poster as a welcome mat to his or her office to remind Members of Congress, to remind you, Mr. Speaker, to remind me, and to remind the American people and all of those who walk the halls of Congress, that the U.S. national debt today is $8,696,414,214,377.65.

For every man, woman and child in America, their share, our share, my share of the national debt is $28,900.92. That is a big number.

A lot of people think, well, it really does not matter what the debt is, our Government can simply print more money. I wish it was that simple.

Our Nation today is spending the first half a billion dollars it collects in taxes not to improve veterans' health care, to protect our troops, to build roads, to fund health care, to protect Social Security and Medicare, to ensure the 47 million folks without health insurance have access to it. No. The first half a billion dollars that we collect every day in taxes from the hard-working people in this country go to simply pay interest, not principal but interest, on this number, the national debt.

And those which should be America's priorities will continue to go unmet until we get our Nation's fiscal house in order. This is something that affects every man, woman and child in America. We have a plan, a 12-point plan for budget reform to ensure that we can live within our means, that we can pay down this debt and restore fiscal discipline and common sense to our Government.

One of those 12 points, by the way, Mr. Speaker, is what we referred to as PAYGO rules, which means pay as you go. And I am real proud that the leadership under this Democratic Caucus in the first 24 hours, not 100 hours, but the first 24 hours, the Democratic leadership reinstituted PAYGO rules on the floor of the House. Which means, quite simply, if you want to fund a new program, you got to show us where the money is coming from.

Now the Republicans tend to think that that means that to fund new programs you raise taxes. I find it quite interesting that the Republicans think that PAYGO, pay as you go, means raise taxes to pay for new spending. It does not mean that. It means cut programs. It means make the tough choices to put an end to the waste in Government.

I got some 8,000 brand new, fully furnished mobile homes sitting at the airport in Hope, Arkansas, that were destined for Hurricane Katrina storm victims but never reached them. That is $400 million right there.

We are not talking about raising taxes to pay for a new program. But I can tell you what we are talking about, Mr. Speaker. We are talking about putting an end to the days of the Republican leadership borrowing money from China to fund a new program creating this large number, making it go up daily. It is still going up nearly a billion dollars a day under the Republican budget that was approved last year.

No more of that, Mr. Speaker. No more borrowing money from China to build a rain forest in Iowa. We are demanding that you show us how you pay for your projects and your programs. We are going to restore fiscal discipline and accountability to our Government.

This week, the President came out with his budget; and we will be visiting more about the President's budget during this hour.

But another thing that the fiscally conservative Democratic Blue Dog Coalition is doing is we have gotten together and we have written and endorsed what is referred to as House Resolution 97. And House Resolution 97, we have 39 cosponsors. It is providing for Operation Iraq Freedom cost accountability.

Put quite simply, we are demanding accountability on how your tax money, Mr. Speaker, and the tax money of the hard-working people of this country is being spent in Iraq. You ask 100 different people what they think about this Iraq policy, you will get about 100 different answers. You will find some Members of the Blue Dog Coalition that are for the surge, some are against. I am against the surge. I think the American people want us to go in a different direction in Iraq.

But one of the things that unites us as a coalition and the things that we have endorsed and that we have written and we are trying to put in place is House Resolution 97, which has four crucial points that demand fiscal responsibility in Iraq.

Point number one, a call for transparency on how Iraq war funds are spent. The American people are sending some $9 billion a month to Iraq. That is about $12 million an hour. And the American people in this country that work hard and pay taxes deserve to know how their money is being spent in Iraq.

Number two is the creation of a Truman Commission to investigate the awarding of contracts. It is time, Mr. Speaker, to put an end to war profiteering in Iraq.

Number three, a need to fund the Iraq war through the normal appropriations process. Play by the rules. No more of this so-called emergency supplemental appropriations to hide from the American people the true cost of the war.

Finally, number four, use American resources. This is America. We are the leader of the free world, and we should

be using our resources to improve Iraqi assumption of internal policing operations. In other words, it is time for the Iraqi people to step up to the plate and buy into this and take more responsibility and accountability.

I am joined this hour by a number of my Blue Dog colleagues, Mr. Speaker. At this time, I yield to the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Mr. Speaker, I appreciate all that the gentleman from Arkansas is doing to bring these issues to the forefront, to the American people, because I believe they are extremely important and I know all Members of the Blue Dog Coalition believe that accountability and responsibility to the people of our Nation is of the utmost importance.

Mr. Speaker, the President sent a $2.9 trillion budget to Congress yesterday. That is quite a lot of money. And you would think that among those trillions of hard-earned tax dollars the President would find resources for the most essential services like education for our kids and health care for our veterans. But, once again, those who need our help the most are the very people who have been pushed aside.

If we follow this budget, Medicaid and Medicare will be cut by $101 billion over the next 5 years; health care for our veterans will be slashed by $3.5 billion over 5 years; Perkins loan funds for our college students will be recalled; and No Child Left Behind will be underfunded by some $15 billion. The President, in addition, would have us cut State preparedness training programs and firefighter and law enforcement grants, depriving our first responders of the funds necessary to operate in this post-9/11 world.

These policies make no sense. They rob our children of opportunity, make our communities less safe, and dishonor those who have sacrificed while wearing our Nation's uniform. I could understand some of these cuts if they were being made in the name of fiscal responsibility, but they are not.

If we were truly making an effort to reduce our public debt, I could, and I believe the American people could, accept some pain. Because the cause that we would be fighting in that case would be a good one, and it would be about our future.

But that is not the case. This budget is not trying to reduce the debt. The President's budget will drag us even deeper into debt, to the tune of $3.2 trillion over the next 10 years. Trillion. That is a lot of money. Burdening future generations with mountains of debt, not of their own making.

Mr. Speaker, when I talk with my constituents back home in communities rich in values and common sense, they ask me a simple question over and over again.

□ 1615

Where is their tax money going?

If we are cutting all of these programs, yet going deeper into debt, what value are we getting for our tax dollar?

We owe it to our constituents to answer these questions. And it starts with ending the black hole of waste, fraud and abuse that is plaguing our reconstruction efforts in Iraq.

Here are the facts: we have already budgeted some $108 billion on reconstruction. Yet, the Inspector General for Iraq Reconstruction is telling us that we haven't come close to recovering the level of basic services that Iraqis enjoyed under Saddam Hussein.

Here is the return Americans are getting on their over $100 billion tax investment: only 25 percent of Iraqis have access to clean water; access to modern sewer facilities remains an incredible problem for most Iraqi families; Iraqis now have electricity for only 4.3 hours per day; and oil production is down almost one million barrels a day since the levels before the war.

How long are we going to let this farce continue?

We can argue all day about spending priorities. But can we not at least agree to make sure that our tax dollars are being efficiently spent to accomplish good? Because right now the only thing I see these tax dollars are doing efficiently is lining the pockets of government contractors.

How many reports of jobs being billed that were never authorized; jobs being started without permission; individuals admitting to stealing millions of reconstruction dollars, and private contractors, such as Halliburton, being awarded unprecedented numbers of no-bid government contracts do we have to put up with before we do something about it?

Well, Mr. Speaker, it is my belief and the belief of the Blue Dog Coalition that we must demand accountability. The President, with his proposed budget, is telling our seniors, our students, our veterans, and our working families that our country doesn't have the money to help pay for their health care or for their education.

I say we will come closer to having the money for health care and education if we stop mismanaging funds in Iraq and greasing the pockets of contractors who are failing, in many instances, to get the job done. That is why our coalition, the Blue Dog Coalition, has introduced the House resolution for the Operation Iraqi Freedom Cost Accountability.

In the spirit of the Truman Committee, which defeated so much corruption and saved our country in excess of $15 billion during World War II, this resolution outlines the critical steps this body must take to hold the administration accountable for its neglect of taxpayer dollars.

It is our constitutional obligation, as Members of this body, to provide oversight for war spending. And Congress has neglected this duty for far too long. We owe it to the taxpayers of this country, to the troops who are fighting this war, and, yes, we owe it to future generations who are going to be financing this war for many, many, many years to come to stop the wasteful spending of this administration and war profiteering by contractors.

We need a modern-day Truman Committee. And we need transparency on how Iraq war funds are being spent. The days of offering the President a blank check are over. We need to ask the tough questions, and we need to send a message that waste, fraud and abuse in Iraq reconstruction just simply will not be tolerated.

I thank all of my fellow Blue Dogs for the work that they are doing on this issue, for continuing to raise awareness, and I hope that my colleagues on both sides of the aisle will join forces to restore fiscal integrity to this war.

Thank you, Mr. ROSS. I appreciate the time. I appreciate the job that you are doing.

Mr. ROSS. I thank the gentleman from Kentucky for his valued insight into H.R. 97, which is the Blue Dog-endorsed House resolution to demand accountability and fiscal responsibility in how tax money is being spent in Iraq, some $9 billion a month; put another way, some $12 million an hour.

Let me be clear that as members of the Blue Dog Coalition, we support our troops 110, 120, 130 percent. We can't do enough for our troops. And as long as we have troops in harm's way, we are going to be there to ensure they have what they need to get the job done and to get it done as safely as possible, and hopefully get on back home to their families.

This has impacted every family in America in one way or another. My brother-in-law is in Kyrgyzstan now, which is the entry point for Afghanistan, just as Kuwait is oftentimes the entry point for Iraq. My first cousin was in Iraq when his wife gave birth to their first child.

Before coming down here today, I visited with a Ms. Watson in Pine Bluff, Arkansas, whose son, and she is so very proud of him and I am too, Lt. Colonel Watson, continues to serve us today in Baghdad. We thank him. We thank all soldiers for their dedicated service to our country.

This is about accountability. This is about having responsibility and oversight on how our tax money is being spent in Iraq.

Not only that, but this hour is dedicated to talking about this new Bush budget that was delivered to Capitol Hill yesterday. Thank goodness that, as Members of Congress, we get a vote on this budget, that we can ensure that funding is there for education and for our veterans. And, yes, we are creating a new generation of veterans in Afghanistan and Iraq today. And we have got to be there for them.

I yield to the gentleman from Tennessee, a former cochair of the Blue Dogs for policy, Mr. COOPER.

Mr. COOPER. I thank my good friend from Arkansas, and I thank my Blue Dog colleagues.

Mr. Speaker, I would like to focus for a minute on the release of the President's budget. As has been mentioned, it just came out yesterday, and today, as a member of the Budget Committee, we had our first hearing with Rob Portman, the director of the Office of Management and Budget and former trade ambassador and former Member of this House.

This is what a part the budget looks like. It is available online. It is about 150, 200 pages. This looks like a very credible document. But that is what I would like to discuss today.

One of the first claims in this budget is in the second paragraph, it says: ''The budget I am presenting achieves balance by 2012.'' Hallelujah. Wouldn't that be nice, if it were true.

Now, if you look deeper in the budget, you will see that they claim, after years of deficits in the Bush administration, remember, we had a surplus in the last 3 years of the Clinton administration, but after years of Bush deficits, they claim that by mid-term of the next President, we will have a surplus. Well, that would be good news if it were true. They claim that the surplus in that year will be $61 billion. And I hope that a number like that would be true.

But if you look at page 168 of their document, you will see that that $61 billion surplus is really a $187 billion deficit disguised by borrowing $248 billion from the Social Security trust fund. In other words, we would have a sizeable, large deficit if it weren't for the money they are planning on taking from the Social Security trust fund in that year.

And this isn't just a once-a-year practice. They are planning on doing it every year between now and then. In 2007 they took $183 billion from Social Security. In 2008 they are taking $212 billion from Social Security. In 2009 they are taking $226 billion from Social Security. In 2010, $245 billion from Social Security. And in 2011, $264 billion.

So, basically, what this budget says, although it looks very respectable and credible, it says we are going to take over $1 trillion, close to $1.25 trillion from Social Security so we can disguise the budget deficit and make it look like a surplus 5 years from now. Mr. Speaker, that doesn't sound like honest budgeting to me.

But don't take my word for it. Look at this other document. This came out about a month ago. This is from the U.S. Treasury Department. This uses a different and better method of accounting to tell us where we are financially in this country. And it says, basically, we are at deficits as far as the eye can see. And the deficits are far, far larger than what the President admits to in this document.

But even if you don't believe any of these government documents, either the President's or the Treasury Department's, look at a private sector organization called Standard & Poor's. They are on Wall Street. They are probably the top credit analyst agency in the world. They projected this last summer that the U.S. Treasury Bond, the most important financial instrument on the planet, would lose its triple A credit rating by the year 2012, just 5 years from now.

So in other words, S&P, the leading credit analyst, said that although this document says we are going to have a surplus then, they say we are going to have continuing deficits as far as the eye can see, in fact, deficits that damage and possibly destroy America's credit rating.

Standard & Poor's went on to say in their analysis, they said that by the year 2025 the U.S. Treasury Bond wouldn't have just lost its triple A credit rating. They say that the U.S. Treasury Bond would actually become junk debt by the year 2025. Below investment grade. That would be a true tragedy for our Nation. We cannot let that happen. And that is why we need to examine the credibility of the numbers in this document. We need to make sure that they are correct.

And if you look at the assumptions in this document, you will see not only trouble with the terrific borrowing they are planning on doing from the Social Security surplus; you will see trouble in the fact that they are planning on the AMT tax taking a bigger and bigger bite out of the middle class in America for the next 4 or 5 years. They do nothing to remedy that in this document.

There are so many other features of this document that make it almost completely unrealistic as a starting point for our budget debates.

Mr. Speaker, we have a lot of work to do. It is not easy putting together budgets. I have done it because I had the privilege of serving back in the majority days, over 12 years ago here. It is a very difficult process to come up with a proper budget. But that must begin now. And I would just wish that the President's offering were going to be of more help to us. It is not all bad. There are some good elements of the President's budget. But if you look at the overall promise of a balanced budget by 2012, I am not sure anyone in the administration really believes that. It is here on paper, and it sounds mighty good. But if you look at the assumptions underneath it, whether it is borrowing from Social Security or whether it is taking the big bite out of the middle class with the AMT tax, it looks like the President's budget is not standing up to scrutiny.

But I thank my friend from Arkansas. I thank my Blue Dog colleagues. This is the day that we start the budget debates. Over the next 2 months we will be trying to bring this to a conclusion.

I hope that all Americans will download these documents off the Internet, will participate in the debate, and let me and other Blue Dogs know your opinions on what we should do on those budget matters.

Mr. ROSS. I thank the gentleman from Tennessee (Mr. COOPER) for his valued input and insight into this budget process. The President has done the annual ceremoniously bringing of the budget, if you will, to Capitol Hill. And, in fact, Mr. Speaker, here is a copy of it. This is the budget of the United States Government for Fiscal Year 2008 from the Office of Management and Budget. And it is quite a lengthy document.

□ 1630

But if you read over it, you will learn that the budget submitted this week continues the same policies that helped create the fiscal mess now facing our government.

While the administration's budget claims to reach balance in 2012, unfortunately, this budget is in deficit every year under realistic Bush policy assumptions. The budget continues to make the wrong choices for the American people. It proposes substantial cuts to programs that benefits seniors, working families and children, all to help pay for an extensive tax cut for folks earning over $400,000 a year. It is about priorities, Mr. Speaker; and the priorities found in this budget, this budget as delivered this week by President Bush, are misplaced.

I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. It is always a pleasure to be on the floor with you.

There is so much we need to cover. Sometimes, you wonder where to really begin. But I think today we need to begin with what the President brought over here in his budget. I have had a chance to look at it, to go through it, and I am just astounded. I truly am astounded at the recklessness of the President's budget, at the irresponsibleness of the President's budget.

Here we are at a time when this country is crying out for very serious attention in health care, especially health care for those at the lower income end and the middle class, and what do we get in the President's budget but a tax increase for the middle class in health care. What we get in this budget is a slash to Medicare and to Medicaid.

I want to go through it just very quickly so the American people and our colleagues who might not have had a chance to really get into this budget can see how surprisingly irresponsible this budget is.

The President's budget that he just sent to us slashes Medicare and Medicaid by about $300 billion, at a time when Medicare and Medicaid are in greatest need, to slash those programs by $300 billion over the next 10 years, with legislative and regulatory Medicaid cuts totaling about $50 billion and Medicare cuts totaling $252 billion.

And rather than using these monies to reverse the growing number of uninsured Americans, and, indeed, listen to this startling statistic, since President

Bush took office in the last 6 years, we have added an additional 6.8 million uninsured Americans. This is not a time to cut the basic government safety net program for insuring Americans when we are having more. This is why I say it is reckless. This is why I say it is irresponsible. And these monies are being offset, in his mind, by tax cuts to millionaires. It is totally out of sync.

The Medicare cuts include premium increases for millions of beneficiaries totaling $10 million over the next 10 years. And at the same time the budget slashes Medicare funding, it protects special interests. Here is how: It leaves untouched massive overpayments by Medicare to HMOs under the GOP 2003 Medicare Modernization Act. And many of the Federal Medicaid cuts will simply increase State costs or lead to further restrictions in Medicaid benefits. Thus, instead of assisting State efforts to reduce the number of uninsured, the Bush budget will impede those efforts.

But in the area of health care, and I mentioned at the outset that there would be in here this hidden tax increase for the middle class. Here is where we find it. Under the President's budget, employee health benefits would, for the first time, be treated as income and would be subject to income and payroll taxes, just like wages. This is new, for the first time.

Listen carefully. At the same time, the President would create a tax deduction for health insurance of $15,000 for families and $7,500 for individuals. This proposal would fail to reduce the number of uninsured, and it would also mean a tax increase for millions of middle-class families who have employer-sponsored health insurance worth more than $15,000. You have to really look at the fine print.

And also, because the new deduction would reduce taxable income, people's future Social Security benefits would be reduced as well; and, as many health experts have pointed out, the President's proposal would undermine employer-provided health insurance and would push people into the individual health insurance market, a market where insurers are able to refuse coverage to workers based on their health.

As Karen Davis, who is head of the nonpartisan Commonwealth Fund, pointed out about the President's proposal, it is not solving the uninsured problem and it is not solving the cost problem, so it is not really advancing what we need to have happen.

Here at the most basic need, where government and people need the help, soaring high health care costs, this budget not only fails but, to add insult to injury, adds a tax increase to the middle class in the process.

Mr. ROSS. I thank the gentleman from Georgia, a very active member of the fiscally conservative Democratic Blue Dog Coalition, Mr. SCOTT. I hope he will stay for the remainder of this hour as we discuss the President's budget for fiscal year 2008, as well as the Blue Dog Coalition-endorsed House Resolution 97 to demand accountability on how the hardworking people of this country's tax money is being spent in Iraq.

Mr. Speaker, in the 6 years of the Bush Administration, the government has posted the highest deficits in the Nation's history. The administration has squandered the budget surplus it inherited, transforming a $5.6 trillion projected 10-year surplus into a deficit of some $2.9 trillion over the same period, a swing of $8.4 trillion, based on realistic estimates of the cost of the President's policies. The President's new budget calls for a deficit of $244 billion for 2007, and $239 billion for 2008, marking 6 years in a row of deficits of more than $200 billion.

This budget that the President delivered to Capitol Hill this week includes $244 billion worth of hot checks for fiscal year 2008 and $239 billion worth of hot checks for fiscal year 2009. Unbelievable, Mr. Speaker. That means that this Nation will continue to borrow about a half a billion dollars a day every day, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday. Every day, under the Bush budget, we will borrow over a half a billion dollars, and that is before we spend a half a billion dollars each day paying interest on the debt we have already got.

America's priorities will continue to go unmet until we get our Nation's fiscal house in order. Meanwhile, this budget continues to climb the climb of decline of our Nation's debt, which has already grown by $3 trillion during this administration.

Put another way, this President, this administration has borrowed more money from foreign lenders, foreign central banks than the previous 42 Presidents combined. In fact, we had only borrowed $623.3 billion in foreign holdings in 1993. Today, foreign lenders currently hold a total of about $2.199 trillion of our public debt.

I was with the President at a meeting Saturday morning. The gentleman from Tennessee (Mr. TANNER) asked him about whether he believed borrowing so much money from foreign central banks and foreign investors was a security threat to our country. His response was that he didn't know how much money we had borrowed from foreigners.

So, Mr. Speaker, I hope the President is listening to us today, because, Mr. Speaker, I want to share with you, Mr. Speaker, what I refer to as the top 10 list. This is the top 10 list of the 10 countries that we have borrowed the most money from: Japan, $637.4 billion; China, $346.5 billion; the United Kingdom, $223.5 billion.

Can I go back to China for a moment? You know, we don't do business with Cuba because they are Communist, and yet we do business with Communist China out of a spirit of international relations. And while we are all focused on the Middle East and what is going on in Iraq and Afghanistan, Cuba has hired China to drill for oil on their behalf 55 miles from Key West, Florida, when the United States does not allow drilling within 100 miles of Key West. Can you imagine that? And yet we have borrowed $346.5 billion from China to give folks who live in this country who earn over $400,000 a year a tax cut and to leave our children and our grandchildren with the bill.

I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Will the gentleman yield just a moment?

On the issue of China and our lending, we are now in debt to China well over $350 billion. Now just to show you why this debt in the hands of foreign governments is such a threat to our national security, just this example. China is now engaged with Iran in building a, supposedly building, a gas pipeline from China to Iran. The United States, in its efforts to tighten certain screws, economic and political, on Iran, in addition to the saber rattling we are doing, has begun to ask China if they would desist from that relationship. To this point, China has stonewalled; and in large measure it is because we don't have the leverage. If you owe me $360 billion, that weakens my position.

The other area, in terms of our national security, is the situation in Iran as we are dealing with it, because that is in the news now. There are all kinds of questions and issues now of whether or not we are going to attack Iran, which is why we have got to hurry up and get our resolution passed and make sure that the President understands what article I, section 8 of our Constitution gives the Congress the extreme role, the exclusive role in determining the funding and the declaration of war in that regard.

But the whole reason why this whole funding operation puts us in a weakening position from our lending and our debt with our foreign countries is this: Iran has to depend upon a tremendous amount of lending from other countries to support them. It puts our Treasury Department, our Secretary of Treasury, our Secretary of State, and I plan to ask Ms. Condoleezza Rice tomorrow, we will have an opportunity to meet with her, this specific question. The fact that we need our partners, who we are working with, to stop lending to Iran, if we tighten that financial economic screw, that is how you avoid this unfortunate military clash that might be pending.

But the point I wanted to make is, as long as we are so overly dependent and have this indebtedness in the hands of the foreign governments, we lose the leverage we need to secure our Nation and to secure a better peace in the world.

Mr. ROSS. I thank the gentleman from Georgia. Point well taken. Thanks for sharing that with us.

Let me just round out the top 10 current lenders. These are the countries the United States of America is borrowing money from in order to provide

tax cuts for folks in this country earning over $400,000 a year. That is in the President's budget. That is what he is proposing to do. Here is what he has done already.

In the past 6 years, our Nation has borrowed more money from foreigners than the previous 42 Presidents combined. Again, Japan $637.4 billion; China, $346.5 billion; the United Kingdom, $223.5 billion. OPEC. And we wonder why gas was approaching 3 bucks a gallon in August. Our Nation has borrowed $97.1 billion from OPEC to give folks who live in this country a $400,000 tax cut.

□ 1645

That is exactly what the President is proposing to continue. Mr. Speaker, I dare say that in this new Democratic majority, we will stop that.

Korea, $67.7 billion. Taiwan, $63.2 billion. If China decides to invade Taiwan, the gentleman from Tennessee, Mr. TANNER, has made this point before, our country and our fiscal house is in such a mess that if China decides to invade Taiwan, we will have to borrow more money from China to be able to afford to go assist and defend Taiwan.

The Caribbean banking center, $63.6 billion. Hong Kong, $51 billion. Germany, $52.1 billion. A lot of discussion about our border, and I believe we must secure our border, but are you ready for this: the United States of America has borrowed $38.2 billion from Mexico in the past 6 years to fund tax cuts for people who live here earning over $400,000 a year, leaving our children and grandchildren with the bill, which is the very reason why our Nation today is in debt $8,696,414,214,377.

That is a big number. How do you explain it? If you divide it by everybody that lives in America, some 300 million of us, every one of us owes $28,900. I don't know about you, Mr. Speaker, but I can't afford to write a check for $28,900 to the government. It is what we call the debt tax, D-E-B-T, and it is one tax that can't go away until we get our fiscal house in order and begin to meet America's priorities again.

Today, the money is going to pay interest on the debt, and it is going to borrow more money to fund the war that is costing us $9 billion a month, again, a big number, break it down, $12 million an hour. $12 million an hour.

I yield to the gentleman from Ohio (Mr. WILSON).

Mr. WILSON of Ohio. Thank you, Mr. ROSS, and thank you, Mr. Speaker, for the opportunity to speak on the budget that has been sent to us just as recently as yesterday.

I was elected by the people of eastern Ohio and sent to Washington to try to bring a commonsense approach to what is going on down here. I must say that the budget that we received yesterday and have looked through today making different points, it is astonishing, the math that is used. The budget doesn't add up, the numbers don't fit together, the lack of real fiscal responsibility, the tax increases on the middle class, the continued cutting of programs that are good for people, the lack of oversight over our war that is going on right now. It is frightening. It is frightening for everybody. There are several things that are wrong, though, that I would like to talk about.

As I said, the numbers don't add up; they just don't come together. There are assumptions that are made that are unrealistic, and it provides us with an opportunity for real failure, more so than we have now.

As Mr. ROSS recently indicated, we are near $9 trillion right now in debt, and with everyone's share, with 300 million residents of America, we are looking at $29,000 per person. That is man, woman, child.

Looking at this, it is unfortunate that under this budget proposal there are crucial investments that have been cut to programs that are important to people. For example, they are cutting commodities for seniors and people with low incomes and people who have disabilities, but yet we are making real strong assumptions on the scenario of what can happen for the right things to give more tax breaks.

I did an interview today, Mr. Speaker, with a newspaper in Ohio, and was asked, how will you pay to restore the commonsense benefits that are in this budget? Well, one of the ways would be to eliminate some of the tax breaks for the people who need them least, and this would certainly be a thing that we as the Democratic Blue Dog Coalition would be supportive of.

We need to look at common sense. We need to find ways, such as PAYGO, which we are putting forward, to say that no program goes forward for more spending, Mr. Speaker, without eliminating a program that is costing us in the present time. This is what PAYGO is about. It is a direction that our country needs. PAYGO stands for common sense, and that is really what we are trying to do.

When we look at this budget, we say that in the President's budget this time for the 2008 series, it is more of the same, that there has been no change. It takes many, many assumptions that it is going to be a best-case scenario. But when you really look at the numbers, Mr. Speaker, it winds up quite bad again.

We are moving in the wrong direction, doing the wrong things. The unbid contracts in the war, the situation that we have where money is being drained on a daily basis out of America, I can't help but wonder all the good that could be done if we had fiscal responsibility, if we had people that were looking at the realities of what this budget could do.

So I am confident as a new Democrat in this Congress that we are going to work hard to try to bring common sense to the budget to try to benefit the American people. This best-case scenario assumption is just not a fair way to go. It hasn't proven good in the last 6 years, and I doubt very much it is going to prove good in the next 2 years.

I am happy to be part of the Blue Dog Coalition, to look for fiscal responsibility and fight for the rights of what should be done in America.

Mr. ROSS. I thank the gentleman from Ohio for joining us during this Special Order to discuss the President's budget, which has been delivered to Congress this week, as well as to talk about the War Accountability Act, House Resolution 97, to demand transparency, accountability and just good government, Mr. Speaker, in how we are spending the hardworking people of this country's tax money in Iraq.

There are a lot of misplaced priorities in this enormous budget. Here is the top ten list:

Number one, it includes tax increases for middle-class families.

Number two, it has cuts in it to health care and to seniors.

Number three, while it is very cold outside right now, while much of the country is frozen, if you will, Mr. Speaker, it cuts home energy assistance for those who need help the most with finding the money to afford to heat their home in the winter months.

After 5 years following 9/11, it has devastating cuts to police and firefighters.

In direct opposition to the wishes of the people of this country, here it comes again, it has a plan to privatize Social Security.

The President's budget includes cuts to veterans health care. At a time when we are creating a new generation of veterans coming home from Iraq and Afghanistan, the President's budget includes cuts to our veterans. We need to ensure that our veterans receive the health care they so desperately need.

I don't know about you, Mr. Speaker, but I get letter after letter and call after call from veterans who have to wait in line weeks and months at a time to be able to see a doctor. That is not the kind of health care we promised America's veterans. We should honor them by properly caring for them.

It includes cuts to education and cuts to housing assistance. And with Iraq veterans returning with devastating injuries, it includes cuts to the brain trauma research that is so desperately needed by many of these returning veterans from Iraq and Afghanistan.

President Bush's budget says a lot, but it does very little. It is filled with misplaced priorities. I will challenge you, Mr. Speaker, to read it for yourself, make your own decision.

As members of the Blue Dog Coalition, we are not here to beat up the President. He can't even run again. We are here to reach out across that aisle and work with him and work with the Republican Members of Congress, because the American people have sent a message very loud and clear, they want us to work together. That is what the fiscally conservative Democratic Blue

Dog Coalition is all about. We want to work in a bipartisan manner to put this Nation on a track toward a balanced budget, to pay down the debt, and to restore some fiscal discipline and common sense to our Nation's government.

Mr. Speaker, I yield to the gentleman from Tennessee, Mr. LINCOLN DAVIS.

(Mr. LINCOLN DAVIS of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, we often hear from our friends on the right that when the Democrats question the war or the strategy in Iraq, we are disheartening our troops and emboldening the enemy. I guess it doesn't matter that there are many Republicans who also ask the same questions about the war. This attempt by the right to use fear and shame to quiet the administration's critics is distasteful and, I believe, hurts America.

Those on the right who take the argument further, suggesting that folks who don't agree with the administration's policies and don't keep their views to themselves are being un-American, really saddens me. It saddens me because it seems like those on the right are trying to discourage the very actions that led to the founding of our Nation, the very actions that allowed the United States to continue evolving toward the never-ending goal of a more perfect Union.

Our country derives its strength from the diversity of views and ideas that come from its people. If one idea isn't working, then someone has the freedom to suggest another idea that is different and might yield different results. In my opinion, the ability of the American people to discuss differing ideas gives our Nation great strength.

Additionally, I believe that when Iraqi people see Americans exercising their right to freedom of speech, the Iraqi people are not disenchanted by their prospects, but rather they are inspired to have a country as free as ours. They see our freedom as a beacon of hope for what their nation could become some day.

Frankly, it is the freedom we enjoy here that scares the enemy over there so much, because they know that once the people taste freedom, they will demand it for eternity for themselves. So we should not stifle our freedom here for fear that it may be negatively impacting the war over there, which I seriously doubt it is.

Furthermore, if the actions of Senators of both parties and House Members of both parties embolden the enemy, then doesn't public opinion also embolden the enemy? Since polls show a large majority of Americans disagreeing with the administration's policy in Iraq, not the war, the administration's policy in Iraq, if this is the case, then why don't we see those on the right condemning the American people for expressing their views and emboldening the enemy? It is because probably politically they know they can't criticize the American public. It is because it is easier to take pot shots at politicians than at everyday men and women in American society.

Additionally, if the actions of the Senate and the House and American public embolden the enemy, then I think we need to take a look at the administration. I quote: ''Such statements give a morale boost to the terrorists,'' Iraqi Prime Minister Nouri al-Malaki, on remarks of the Bush administration describing the Iraqi Government as being on ''borrowed time.'' In essence, the Prime Minister of Iraq is accusing our President of emboldening the enemy by making such a statement.

I contend that the American people love America, that Democrats love America, that Republicans love America and that President Bush loves America. I contend that we all love America, and that the discussion everyone is having on Iraq right now is not an extension of their love for America, because we all want what we think is best for the country. We want success and we want security. If only we also wanted civility in Washington.

I know that once folks cross into the District of Columbia or read about something in Washington, it seems there is something triggered in their brains and our rhetoric is raised to a sensational point. We need to stop and ask ourselves, is this rhetoric helpful to the end goal, or just hurtful?

There certainly have been plenty of failures in Iraq and there is plenty of blame to spread. We should have sent in more troops, some say. We should have not disbanded the Iraqi Army. We should have kept better track of how our taxpayer dollars were being spent. We should have squashed the militias before they built a strong following, some say, and on and on.

□ 1700

I will tell you who has not failed: Our soldiers on the ground. The American soldiers won in Iraq. They defeated Saddam's Army, deposed a dictator and tore down the statue. They gave the country to the Iraqis.

Sadly, in my opinion and many others, the leaders in Washington have failed our soldiers because those in charge of Iraqi policy have been weak in dealing with the new Iraqi government, have not pushed them to find political solutions to the problems they face. The lack of political structure in Iraq falls squarely on the shoulders of the war planners, and I for one will not let the reputation of our fighting men and women be tarnished by the miscalculations of those in charge.

The question now must be, what are the next steps to bring success and security? That is our goal, is success and security.

The Blue Dog Coalition has drafted a resolution that can help us along our goals towards success and security. House Resolution 97 would improve our accountability in Iraq so we can make sure our taxpayer dollars are being spent wisely and going where they are needed to achieve success.

In my opinion, this resolution is the first step of many steps down the path to stability and success in Iraq. I, for one, stand with our military men and women, ready and able to walk down the path of success with them.

Thank you, Mr. Speaker.

Mr. ROSS. I thank the gentleman from Tennessee, an active member of the fiscally conservative Democratic Blue Dog Coalition.

And the gentleman is exactly right. As members of the Blue Dog Coalition, we are sick and tired of all the partisan bickering that goes on in Washington. As members of the Blue Dog Coalition, we don't care if it is a Democratic idea or a Republican idea. All we care about is, is it a commonsense idea, and does it make sense for the people who sent us here to be their voice? That is really what the fiscally conservative Democratic Blue Dog Coalition is all about: restoring fiscal discipline, accountability and common sense to our government.

I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I thank you, Mr. ROSS.

I just want to make clear, as colleagues are saying, and I want to make sure that this debate is within the right frame of mind. This is not a debate that is personally against the President. The President is a likeable person. It is just his policies. His policies are wrong for the American people. Even the American people are rising up and saying so.

We have, as Congress, the responsibility to respectfully disagree with the President. That is what we are doing. We are simply saying it is wrong to cut veterans', it is wrong to cut seniors' programs, it is wrong to cut education, it is wrong to cut the COPS program out, from getting folks in to be employed for first responders. It is wrong to cut homeland security. It is wrong to cut every single basic domestic program that is cut in this budget. It is wrong to do that.

It is wrong also for the President to say on the one hand that he is going to have a surge of 21,500 more troops, when, in fact, we now know that it is not 21,500. It is more like 48,000, according to the CBO that has just corrected that.

So when we have these kinds of situations, this is what makes this government what it is. This is what makes us the envy of the world. This is why we have this House. This is why we run every other year, why people hold us accountable, to come and to make sure that the voters and the people of America and their tax dollars, that we are good stewards of them. That is our responsibility.

And we have a right, more than that, we have a duty, to raise the tough questions and to hold the President's

feet to the fire when he comes with such a wrong-headed budget as this that goes right to the heart of where America is hurting. This is why we are here today, and this is why the Blue Dogs are offering this. This is why the Blue Dogs are also offering Resolution 98, to bring this fiscal accountability and financial accountability, to stop war profiteering, and to make sure the money goes to the soldiers so that we can take care of them while they are on the battlefield and to make sure we restore these cuts to make sure we take care of them when they come home. This budget doesn't do it, and it is our obligation to raise these questions and to make sure that this budget responds appropriately.

Mr. ROSS. I thank the gentleman from Georgia.

Mr. Speaker, if you have any comments or questions or concerns, you can e-mail us at BlueDog@mail.house.gov.

I yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. I so often hear that cut and run is a strategy from Democrats. That is not the case. When we finished the war in 1945, military bases were established in western Europe, in Turkey and other places throughout the world. They are still there. As we finished our endeavors, as many people thought during the Korean War, our military bases are still located in South Korea.

We will never leave the Middle East, if the American people think that is the case. What we are talking about is being able to redeploy and do certain other endeavors that have not been done to make sure we win this war, win the peace, and have success in Iraq. We will be in the Middle East for a long, long time. My great-grandchildren will still see us be there. That is an area in which we have to defend America's freedom and liberty.

But we have got to take another look at having success, because what we are doing now is not having the success the American people demand, expect and we should have for them, and our troops deserve better than that.

Mr. Speaker, I yield back the remaining portion of my time.

PEAK OIL

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). 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. Madam Speaker, there are three different groups in our country and indeed worldwide at least for some of these issues that have common cause in campaigning for a reduction in the use of fossil fuels. These three groups come from very different perspectives, but as you will see from our discussions this evening they really do have common cause. Because to solve the problems that brings them to this dialogue, all three of these groups are advocating essentially the same thing. That is, a reduction in our use of fossil fuels.

The first of these groups is a very large group which has genuine concern about national security interests. Probably 2 years ago now, or nearly that, 30 of our prominent Americans, Boyden Gray, McFarland, Jim Woolsey and 27 others, some of them senior retired military people, wrote a letter to the President saying: Mr. President, the fact that in our country we have only 2 percent of the known reserves of world oil and we use 25 percent of the world's oil, importing almost two-thirds of what we use, represents a totally unacceptable national security risk.

The President himself recognized this in his State of the Union a year ago when he noted that we get some of this oil from countries, as he said, that don't even like us very much. That is a bit of an understatement for some of those countries.

The next chart shows a recognition of this on the part of our Secretary of State. This was April 5 of last year. We do have to do something about the energy problem.

I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word, ''warping'' diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.

I am sure that in her head she had a mental picture of this really interesting map of the world. This shows what our world would look like if the size of each country was determined by its reserves of oil. And you can see how in America right here, tiny on this map of the world, we represent about less than 5 percent of the people of the world and we have only about 2 percent of the oil in the world, but we are using 25 percent of the oil.

Look how small we are. We would fit many times in Saudi Arabia. We are about the size of Qatar here. We would fit four times in Kuwait, if the size of Kuwait, if the land mass of Kuwait was relative to how much oil they have.

Russia up there, they are a big exporter now, but they can be a big exporter because they aren't using anywhere near as much as we have. You see Russia is two or three times as large as we are.

Well, that large community in our country which is genuinely concerned about national security interests understands our problems that come from this distribution of oil. Many of these oil reserves are in countries that, what we call the royal families. They are really dictatorships, aren't they? And Kuwait and the United Arab Emirates and Saudi Arabia. And then in Iran, that is run as a theocracy pretty much totally controlled by the Mullahs. And here we have Venezuela, a Communist state.

The President very wisely said in that State of the Union message a year ago that we are getting oil, many of the reserves are in countries that don't even like us very much.

Now, fortunately, our imported oil doesn't come from the mix as we see it here, because we are getting oil where it is cheaper to ship it and so forth. So a lot of our oil comes from Canada. They are pretty tiny in terms of total reserves, but there aren't many people there, so they are an exporter. We get oil from Mexico, and we get oil from Venezuela simply because of economics. It is just cheaper to ship it the short distances around the world.

So this is one group that has common cause in wanting to reduce our consumption of fossil fuels, particularly oil, because we are so dependent on the rest of the world which, as Condoleezza Rice says, presents a very real national security problem.

A second group that is interested in reducing our use of these fossil fuels, particularly oil, is the group that believes that, whereas the United States reached its maximum production of oil in 1970, that the world is about to approach that point now. And if you aren't concerned about national security risks and if you aren't concerned about climate change, which is going to be the third one that we talk about, you would really be concerned about oil if you recognized that there is not going to be enough of it in the future. It is going to be a real economic problem.

What we have here, it says here, the United States production Hubbert versus Actual. This is a report from CERA, the Cambridge Energy Research Associates, who were trying to point out that M. King Hubbert was not very accurate in his prediction of what the United States would do, and therefore you shouldn't take him very seriously when he predicted the world would be peaking about now.

The average person looking at this would say that they were kind of nitpicking, because this is the Hubbert's Lower 48 Projection, this yellow line here, and the red is the actual. And of course added to the Lower 48 was our big discovery in Dead Horse and Prudhoe Bay, Alaska, and our oil discoveries in the Gulf of Mexico. Well, I think that these two curves here run pretty darned close together; and for that growing community of people that have a genuine concern about the availability of oil in the future, this chart has real meaning.

I might look at the next chart here before we move to those who are concerned about climate change. This is a chart which presents the challenge that we face from what is called peak oil, and these bars here represent the discoveries of oil. You note that the big discoveries were back in the 1960s and 1970s; and ever since 1980, on average, the discoveries have been reducing, going down, down, down.

Now, anyone who has had any math and charting and so forth in school

knows that if you draw a smooth curve over this, the area under the curve will represent the total amount of oil that we have found. Indeed, each of these represents a reservoir of oil. If you add up all these little bars, why you have the total; and that is what you do when you smooth them out. You, in effect, add them all up.

The solid dark line here represents the amount of oil that we have been using. We started out really rich, didn't we? We found this much oil, and we are just using this tiny bit down here.

□ 1715

It looked like oil was going to be forever. When would it run out? Look at how little we are using and how much there is out there.

But now look what happened. We continued to use more and more as the industrial revolution grew and as our population grew and we found more ways to use energy to make our lives comfortable. The use continued to grow and grow, but the discovery started falling off.

In 1965 or so, they started falling off, down, down, down, and that is in spite of ever better techniques for finding oil, computer modeling, 3–D seismic and so forth. We now have a pretty good idea of what the geology of the world looks like, and we will find gas and oil in only very unique geological formations. Maybe a little later this evening we will have a little chance to talk about those so you have some expectation of what we might find in the future.

Here we are now, and this is about 2007, and we have been using more oil ever since about 1980 than we have been finding. Of course, we have had lots of reserve, and we have been eating up that reserve now, until we have taken some of this to fill in this space.

Now you look to the future, and what does the future look like? We have some options of what the future looks like. One of the options we do not have, though, is pumping oil we have not found. So unless you think we are going to find more oil than this chart indicates, and of course it will not be a smooth, down curve like that. It will be up and down but generally it will be down most people recognize. Well, we can use all sorts of enhanced oil recovery techniques and pump it sooner, and you may get a little more from those enhanced recovery techniques, but you cannot pump what you have not found.

So this shows you very graphically. If you had only one graph to look at to help you understand what we are facing in terms of peak oil, this would be the graph. So you understand now why this second group is really concerned about our use of fossil fuels, particularly oil, because it is very probable that the world is going to reach its maximum production of oil, maybe has already, but if not now, very soon, and the demand for oil, which has been going up at a roughly 2 percent per year growth is going to continue. So it is going to be an ever increasing difference between the available oil and the demand for oil.

Of course, when that happens, of course when demand exceeds supply, price goes up, and we have seen oil prices go up relatively few years ago from $10 a barrel to $60 a barrel now. It was just a few months ago $78 a barrel. Kind of fear factor in that way, it went away, and it dropped very quickly $18 a barrel. But very volatile market, up and down $1 or more a day. Another fear factor, it could jump another $18.

The next chart I have here is one that shows the concerns that this third group has, and that is those who are concerned about climate change. I have something I want to read here. This chart comes from this document by the way, ''Stern Review: The Economics of Climate Change.'' It says here, ''The scientific evidence is now overwhelming: climate change presents very serious global risks, and it demands an urgent global response.

''Climate change is global in its causes and consequences, and international collective action will be critical in driving an effective, efficient and equitable response on the scale required.''

This international cooperation reminds me of a visit we just made. I came back just about a month ago from China. Nine of us, nine Members of Congress went over and the primary reason of the trip was to talk to them about energy. I was surprised and pleased when they began their discussion of energy by talking about post-oil. Gee, I says, they get it. Somehow a civilization that was a golden civilization when my Fore Fathers were barbarians running around Europe has a longer view of things than we seem to have. We have trouble seeing beyond the next quarterly report in our industry. We have real trouble here seeing beyond the next election. But they are looking post-oil they say. They recognize that there will be a post-oil period.

A thousand years of recorded history, we have been in the age of oil about 100, 150 years. If it is half gone and if it follows a bell curve, as it did in our country and it probably will in the world, you have probably got another 100, 150 years of oil, with ever increasing costs and ever decreasing amounts as we get the oil, which is harder and harder to get.

Climate change presents a unique challenge for economics. It is the greatest and widest ranging market failure ever seen. The benefits of strong, early action on climate change outweigh the costs they say.

So this is a little chart that shows where these gases come from. Just a moment of explanation as to why the use of oil and so forth produces climate change.

When you go out into your car this evening, if you go out, if it is parked outside and the sun is shining in, and if you go out before dark, your car will be very much warmer inside than it is outside, and we call that the greenhouse effect. What happens is the light from the sun comes in in a very broad wavelength spectrum from very long waves to very short waves, and they go easily through your car, most of them through the car window, and then that sun heats up the material inside your car, and that reradiates in the infrared. Well, the glass is relatively impervious to infrared so it simply reflects it back, and that is called the greenhouse effect, and your car then gets warmer and warmer. You see it especially on a summer day when it may be 80 outside and 120 inside your car which is why you should not leave your children and animals inside the car when you leave it.

Well, there are gases in the atmosphere that essentially do the same thing as the glass in your automobile. You may remember riding in the airplane and you are very comfortable sitting in there at 38, 40,000 feet and the pilot tells you it is minus 40 degrees centigrade outside. That is really cold. The reason you could be so warm down here and you are so cold up here is the reflection of all this heat which is radiated back from the earth, long infrared rays, and they are reflected back. One of the things that reflects them back are gases up in the atmosphere. There a number of those gases, methane, and carbon dioxide is one of the major ones.

Of course, carbon dioxide, absolutely essential for plant life, and they are so efficient. Our oxygen is about 21 percent. We can do with maybe half of that. If you are at 18,000 feet, that is all you have got because of the atmospheric pressure there. But these plants make due on .04 percent. Do you not wish you could be as efficient as these plants? You could get by on the top of Mt. Everest very easily. You would not need to pressurize the cockpit in the aircraft you are riding in.

What stunned me in this report was when I read that our earth now is only 5 degrees centigrade, that is 9 degrees Fahrenheit, warmer than it was in the last ice age. Wow, what a huge change in climate, a relatively small change in temperature makes, just 9 degrees cooler Fahrenheit, and we had glaciers that came down to southeast Ohio. They came down that far, scooping up the dirt and from it you can see where it melted and left the mounds of gravel and dirt there where they came down that far.

Well, I am very pleased to be joined by one of the Nation's leading voices and authorities on climate change, my colleague, also from the great State of Maryland, Congressman GILCHREST.

Mr. GILCHREST. I thank the gentleman from Maryland (Mr. BARTLETT) for yielding and for having this time we can discuss these issues of energy, its ramifications to national security, the environment and to the economy. I would like to reiterate some of the comments that Congressman BARTLETT has made as far as energy use, and it is

a single issue, energy use, the ramifications of our energy use now is to our economy, to our national security and to our environment.

Our energy use is dependent on fossil fuel, and our whole economy then is dependent on fossil fuel. Our national security to a great extent is the ramifications of national security are as a result of where we get our fossil fuel sources from throughout the world, and fossil fuel burning has a pretty big impact on the environment. So our energy policy affects our economy, affects our national security and affects our environment.

Each of these, because it is fossil fuel, because like Mr. BARTLETT said, two-thirds of our energy sources for oil come from foreign sources, that makes our economy fragile. That makes our national security much more difficult, and the ramifications to our environment is that it degrades our environment.

What I would like to discuss here is the legacy of oil to our environment, and the environment, in particular, is our climate. The air, sea and land, upon which life exists on the planet depends to a great extent on the atmosphere, and the atmosphere, in order to support life as we know it, as Mr. BARTLETT described, has a certain heat balance to it in order for life to exist.

That heat balance that we talk about is the greenhouse effect which keeps the planet and its heat at a certain temperature in order for us to live, vegetation to grow, life in the sea to exist and life on the land.

The greenhouse effect is as a result of the chemistry of the atmosphere and the chemistry of the atmosphere, whether it is carbon, whether it is methane, whether it is oxygen or whether it is water vapor, does hold the heat of the sun's rays enough for us to have life the way we know it, the greenhouse effect.

The greenhouse effect has had huge fluctuations over the eons of time that the earth has existed. We have ice ages, we have warming trends. So throughout earth's history we have had a natural range of fluctuation to the temperature, to CO_2, to other greenhouse gases. That is a natural range. No huge rapid fluctuations in that natural range of chemicals that make up the atmosphere to hold on to the greenhouse effect.

The question is, when we debate this issue in Congress or in other political situations, are humans impacting the climate? Are humans the cause of a warming trend?

Well, let us take a look at that. Right now, is there a warming trend? I would say that every single scientist in the United States, throughout the planet who is a meteorologist or an atmospheric chemist or anybody in that scientific community, every single one of them will say that, yes, we are in a warming trend and we have been in a warming trend for the past 10,000 years.

If you could go back 10,000 years using ice cores drilled into the glaciers in Greenland or the Antarctic, then you could see that 10,000 years ago, as Mr. BARTLETT mentioned earlier, the temperature of the planet was about 5 degrees centigrade cooler than it is now, and the value assessment of that is evaluated by the makeup of the chemistry of the atmosphere 10,000 years ago.

One of those elements in the atmosphere was carbon dioxide. If you look at carbon dioxide, you would see that 10,000 years ago, there was about 180 parts per million of CO_2 in the atmosphere.

Now let us come ahead almost 10,000 years to 1890 or 1900 and you evaluate CO_2 in the atmosphere at that point. You would see that in 10,000 years, you increased the amount of CO_2 in the atmosphere from 180 parts per million to 280 parts per million. It took the earth in its natural range of fluctuation 10,000 years to increase 100 parts per million of CO_2.

Now, let us project the next 100 years, which is essentially the industrial age. We have increased another 100 parts per million. We are now at 380 parts per million. So what took the natural forces in a natural range of fluctuation over a period of 10,000 years to increase 100 parts per million, in the industrial age we have done it in 100 years.

Now some people will say that has nothing to do with human activity, that is volcanoes, that is the natural decaying of matters, that is nature producing that 100 parts per million. The answer to that is this. You can distinguish between the kind of CO_2 that comes from volcanoes or forest fires or other natural sources from burning fossil fuel. Every human being has their own DNA marker.

□ 1730

You can tell one human being from another human being by their DNA. Carbon dioxide has a DNA; it has a marker. It is a radioactive isotope, so you can determine where this CO_2 in the atmosphere comes from. Is it coming from your automobile, or is it coming from a volcano in southeast Asia, or is it coming from a forest fire in California or Brazil?

The radioactive isotopes are markers for CO_2. It is very easily discerned that an extreme increase in CO_2 has come from human activity. What do we see as a result?

We see warmer air temperatures and warmer sea temperatures. What are some of the results of that? Sea water is warming; the atmosphere is warming. Fuel for hurricanes is warm air and warm sea water. So we are seeing a fairly dramatic increase in stronger hurricanes.

What are some of the other implications of increasing temperatures as a result of burning fossil fuel, human activity? That is sea level rise.

Sea level rise from the melting of the Arctic ice, Arctic glacier such as Greenland and the Antarctic has the potential, in this century, to raise sea levels by 3 feet. What will that do to New York or Baltimore or Miami or all the other low-lying communities throughout the world, the Thames River in London? Sea level rise would flood the City of London. Coastal erosion, coastal communities. The insurance industry in the United States, as a result of climate change, global warming and potential increasing violent storms and sea level rise, and the insurance companies in the United States are beginning to stop their homeowners insurance coverage for these communities at risk along the gulf and Atlantic Coast. The insurance companies of the United States and Lloyd's of London, the only reinsurance company that I know of in the world that is continuing to cover these homeowners, have doubled, tripled and quadrupled their premiums to look at the risk.

The other problem with increasing CO_2 and other greenhouse gases is what it does to the actual chemical make-up of our oceans. Our oceans have a certain balance in their Ph. It is just a little bit above 7, and it has been that way for aeons of time. How long have the sharks been in the ocean? You hear on shows in television that sharks have been around for millions of years. Other creatures on our planet have been around for millions of years.

Some of the best habitat in the world for ocean creatures are coral reefs. Increasing CO_2 into the atmosphere and the world's oceans have absorbed fully half of the CO_2 that we have put into the atmosphere. The result of that, the legacy of oil, burning fossil fuel, is it makes the oceans more acidic. Ocean chemistry would change, be more acidic and more corrosive. It could destroy the vast resources we get from coral reefs by destroying the very fabric of the beginning of the ecology of the world's oceans.

Warmer temperatures we have already begun to see cause more forest fires, more infestations, more problems with agriculture. Weather patterns become more violent in some places. They become more unpredictable. The storm cycles are more violent and unpredictable. Shifting vegetation zones, we have already talked about sea level rise, habitat loss.

The Arctic ice cap at the top of the world in the last 50 years has lost 40 percent of its ice volume, 40 percent. The list of dramatic ramifications of not addressing one of the problems of the legacy of oil and our dependence on it is climate change, is global warming.

What are some of the answers to this? Well, Mr. BARTLETT has made some comments about this, but we have a bill on the Senate side, on the House side. Mr. BARTLETT is a cosponsor. JOHN OLVER from Massachusetts is a cosponsor. A number of our colleagues have gotten on this bill to try to understand the nature of this problem, at least part of our dependence on fossil fuel, which is global warming, climate change.

We think the debate is over. The debate is over because the science is clear that human activity is causing the climate to change and all those other problems or ramifications of increasing carbon dioxide in the atmosphere. We need to take action now to stop global warming. We subject our economy, our national security, our way of life to great risk and catastrophic harm. We have a bipartisan bill that will reduce the Nation's greenhouse gas emissions substantially and in a timely fashion.

We have a series of Fortune 500 companies from Alcoa to BP to Caterpillar to Duke Energy to DuPont to a number of environmental groups that support the Federal Government making a goal of reducing greenhouse gases by the year 2050 to 70 percent below 1990 levels, creating a regulatory structure to do that.

Then these companies that I just read say that the market can resolve the issue. It would create a cap and trade program with large tax incentives to unleash the ingenuity of the American free marketplace to capture the technology, which will make us much more economically viable to use efficiency, technological advances, alternative fuels. This will reduce over a period of decades not only our dependence on fossil fuel from foreign sources, not only improve our economy, not only improve our national security situation with the rest of the world, but drastically begin to improve our environment. The U.S. can take the lead in finding solutions to this seemingly intractable problem.

The Federal Government sets a goal with the regulatory structure, the market produces the results, and human ingenuity, once again, solves some of the problems. I want to thank Congressman BARTLETT for the time and for his enormous interest in this issue and his skill and expertise.

Mr. BARTLETT of Maryland. I want to thank my colleague very much for joining us here. Congressman GILCHREST mentioned market forces. They are, indeed, very powerful. They have served us very well in this country. They have provided for us the highest quality of life of any place in the world. But market forces are limited. They cannot do what they cannot do.

As I noted somewhat humorously, there are even some things that God cannot do. God can't make a square circle, for instance. The market forces are very powerful. As long as there are unlimited forces, market forces will work. I remember mentioning to one of our very high government officials the problem of limited oil supply in the future. The response was, gee, I guess the market will take care of that.

I guess when oil gets more expensive, we will use less of it, and then we will find alternatives. That is true. When oil prices get higher, we will use less of it, and we will look for alternatives.

But when you look at the potential for exploiting these alternatives, you see that a large amount of time and energy must be invested in these alternatives before they yield any meaningful amount of replacement for the fossil fuels, which are so abundant and so energy rich.

Let me give you just one little example of some of the unintended consequences of trying to do this. This is a big push to make ethanol from corn in our country. We have noted that the Brazilians are making ethanol from sugar cane, and they now don't have to import any oil. We would like to emulate them and make enough ethanol from corn that we will not have to import oil. That, by the way, is the impossible dream. That will not happen.

With the relatively small amount of ethanol that we are now making, and there aren't very many E–85 pumps or blends of ethanol in gasoline in this part of the country, there are in the Midwest, but with the relatively small amount of ethanol that we are making, the demand for corn raised the price of corn from $2.11 a bushel in September to $4.08 in December. That is causing a huge problem for our people that raise animals.

We are having a meeting in a few days with a number of our dairy people from Maryland. Unless milk goes up to more, I think it is about $14 per 100, now it needs to be at least $18 before they can break even.

With this kind of a price for food for their animals, they will go bankrupt. So the relatively small demand for corn to make the relatively small amount of ethanol that we are making now has essentially doubled the price of corn.

What this does is to reflect the enormous amount of energy that is in these fossil fuels. There they are really energy dense. This chart shows something about what has happened to our world as a result of the incredible energy density in these fossil fuels.

Hyman Rickover, and let me get a copy of his paper, it was not really a paper, it was a talk that he gave to a group of physicians 50 years ago. The anniversary of that will be May 14 of this year, and that was at a banquet of the annual scientific assembly of the Minnesota State Medical Association. This talk had nothing to do with medicine. He apologized for that at the beginning of his talk. But he thought that the physicians might enjoy some diversion.

He was talking about the enormous fossil energy in these fuels. Hyman Rickover, of course, is the father of our nuclear submarine. I had no idea that he had given this talk. It just appeared in the Energy Bulletin December 2 of last year, 2006. So it has only been out in the general public for these couple of months.

I noted this the other night that we need to hear this again, because this is just so revealing as to what this energy has done for us. With high energy consumption goes a high standard of living. Does the enormous fossil fuel energy in this country which we control feed machines which makes each of us a master of an army of mechanical slaves? Now at that time we didn't import any, so he could say we controlled it. Now we import almost two-thirds of what we use.

Another writer has indicated the incredible amount of energy in fossil fuels in oil. Let me give you the analogies he uses, and then I will read the ones that Hyman Rickover gave in that speech 50 years ago. One barrel of oil produces the energy equivalent of 12 men working all year for you.

If you figure the price that you could hire a man, the equivalent a man to work for you, by buying $10 of fossil fuel, of oil, it will work a full year for you. Now let me read what Hyman Rickover said 50 years ago and more so today. Man's muscle power is rated at 35 watts continuously, 1/20 of a horse power. That is 24/7. You can do a little better than that when you are working, but you have to eat, sleep, so forth.

Machines, therefore, furnish every American and industrial worker with energy equivalent to that of 244 men. Wow. How many man-months of work without any energy from fossil fuels would it have taken to build your automobile?

While at least 2,000 men push his automobile along the road and his family is supplied with 33 faithful household helpers. Each locomotive engineer, he says, controls energy equivalent to that of 100,000 men. Each jet pilot of 700,000 men.

You know, thinking of that jet pilot in that plane up there just the other day, and I look at those contrails and sometimes they are the only cloud-like things in the sky, it finally occurred to me the dynamics of this CO_2 thing that Congressman GILCHREST was talking about, carbon; and that is what is in these fuels, is largely carbon and hydrogen.

Carbon has a molecular weight of 12, and hydrogen has a molecular weight of 1. It is the lightest element in the universe. When you burn this carbon, it combines with oxygen, one molecule of carbon with two molecules of oxygen. Oxygen weighs 16. So what that says is, Congressman GILCHREST, that if you weigh the gasoline that goes in your car, you produce three times that weight in carbon dioxide. That is incredible.

Now, all of that carbon dioxide was taken out of the atmosphere a very long time ago. I didn't know, as a little boy, where oil came from; but I did know where coal came from, because we had a coal furnace in our house, and I would have to break those big lumps of coal. We bought it just as it came out of the mine.

□ 1745

When I would break a lump of coal open, there would be a fern leaf. Nobody had to tell me where coal came from. I knew very well where it came from. It came from plants that grew a

very long time ago, they fell over under pressure and in time and they became coal.

So we were releasing incredible amounts of carbon dioxide, which is a greenhouse gas, which will change the acidity of the ocean. Fortunately carbon dioxide is very soluble in water. But it still changes the pH of the water because it forms a very weak acid, carbonic acid, when it gets in the water.

Truly, the humblest American, Admiral Rickover says, enjoys the services of more slaves than were once owned by the richest nobles, and live better than most ancient kings. In retrospect and despite wars, revolutions and disasters, the 100 years just gone by, that was 1950, that is right here, the 100 years just gone by, may well seem like a Golden Age.

And what this chart shows here is the history of the world, energy wise, for only about 400 years out of that 8,000 years that Admiral Rickover talks about. And the industrial revolution began with wood, the brown curve here, and it did not produce very many quadrillion BtUs of energy, and then coal, and boy did the economy grow with coal and trains and so forth. But then look what happened. It exploded when we found gas and oil. And that is because gas and oil are so easy to change into compounds that we can readily get energy from.

And they are much more adaptable and flexible than coal. Although you can get gas and oil from coal. Hitler had to do that when we cut off his oil supplies, and under embargoes South Africa had to do that. We may be turning to that again shortly.

As I mentioned, Madam Speaker, there are three groups that really have common cause in talking about the use of these fossil fuels. One is that very large and growing group of people, including our Secretary of State, who are concerned that our growing dependence on foreign oil is a very serious national security risk.

Well, what do we do? We obviously need to use less of it. The President says we are hooked on it, we need to use less of it. And we can use less of it two ways. One. We can simply conserve and be more efficient. And we have done some of that. We can do a great deal more of that.

The second thing that we can do is to get energy from alternatives. As this chart shows, and as Dr. Rickover mentioned, there will come a time when the world will be getting less and less energy from fossil fuels, and finally at some point in history down the road, we will be getting essentially no energy from fossil fuels, because obviously they are not infinite in their supply and they will not last forever.

In 8,000 years of recorded history, the Age of Oil will represent but a blip in terms of energy production, a pretty big blip. But we are probably about halfway through the age of oil. In another 100, 150 years if M. King Hubbert is correct and we are now at the peak, and it will be tailing off and going down the other side of what is commonly called Hubbert's Peak, oil will be ever more difficult to get and ever more costly.

In another 100, 150 years we will have transition to renewables, we will be steady-state, having used up the coal we have, having gotten all of the energy we can from these unconventional oil sources, like the tar sands of Canada and the oil shales of the United States.

The next chart looks at what obviously we need to be about. And that is addressing this problem. Now, whether you believe that we need to reduce our use of fossil fuels because it is a national security problem, whether you believe we need to reduce our use of fossil fuels because it is causing climate change, or whether you believe we need to reduce the use of fossil fuels because they are just not going to be there in the quantities that we are using today in the future, you still must do the same things.

Well, the first thing that you need to do is to buy some time. We now, knowing that we should have known at least by 1980 that we were going to be here today, because we were already 10 years down the other side of our Hubbert's Peak in this country, and M. King Hubbert had already predicted that the world would be peaking about now.

For these last 27 years, we should have been addressing this problem and investing energy and time in alternatives. Unfortunately, we in large measure have not done that. And so today we are faced with a problem. We have no excess oil, no excess oil energy to invest in alternatives. If there were any excess it would not be $55, $60 a barrel. And we have essentially run out of time.

Now, we can buy some time and free up some oil with an aggressive program in conservation. And you really can do that. Europe is using half the energy that we use. It would be hard to argue that they do not live as comfortably as we do. The average Californian uses 65 percent of the electricity that we use. And there are 50 some of those in our Congress. I doubt that any would agree that they live less well than we do, and they still use a lot less energy than we use.

What we need to do then is use it wisely. What will we do with this energy that we freed up and the time that we have bought by this aggressive conservation program? We have to invest that wisely in alternatives.

Now whichever of these camps that you come from, whether it is the climate change camp, or the camp that is concerned that we are too dependent on foreign oils, that is going to be a big national security risk, or whether you believe that we need to move from fossil fuels to alternatives simply because there are going to be less and less, and more and more expensive fossil fuels in the future, you still want to do essentially the same thing.

Enormous benefits can accrue from this. Congressman GILCHREST mentioned the enormous creativity and entrepreneurship of our people. We put a man on the moon in less than a decade. When you realize where we started from, that was a really big feat. We can do this. We were challenged to do that.

Today, the average American does not know that oil is probably limited in its future supply. They probably are unaware, today is an interesting day to talk about the potential for global warming, because it is the coldest day that we have had this winter. But I understand it is 20 degree above normal in Alaska and 20 degrees above normal today in Russia.

I just wanted to make a comment about some of the potentially unexpected consequences of this climate change. If you look at a globe, you will see that England is way up there, about mid Canada. And I had to stop for a refueling flight in Ireland. That really is the Emerald Isle, it is so green. And that has a climate like, what, South Carolina. How can you have a climate like South Carolina at a latitude of central Canada?

The reason for that is a huge conveyor belt that carries heat from the tropics to the British Isles and Europe. And that huge conveyor belt is called the Gulf Stream. And the Gulf Stream picks up heat in the Gulf area near the equator, and it then carries that like a giant conveyor belt up to the British Isles and Europe.

They have a very moderate climate compared to what they would have in the absence of the Gulf Stream. Now, water is not piling up up there around Europe and England, so it is obvious that if it flows up there and carries that heat up there, it has got to come back.

It comes back by going down. And why does it go down? We will talk about that in just a moment. Then it comes back flowing in just a large as volume and just as fast, it comes back to the lower part of this big conveyor belt. Again in the tropics, picking up more heat, and continues this transfer of heat to the British Isles and England.

Well, a very interesting thing is happening to this conveyor belt. The waters as they flow north, they are warm. And the sun shines on them, and water evaporates. And when the water evaporates, it leaves the salt there. And that makes the water more salty and heavier. And of course that is what produces the rains that then drops in our mountains and produces the indirect solar energy from the waterfalls that we use the turbines in to produce electricity.

Well, two things are happening. A major one is the fact that the polar ice cap is melting. And a lot of that fresh water, water without saline in it, very light compared to this heavy water, it is in addition to the general global warming of the oceans, it is the effect of this polar ice cap melting. And

strangely the melting of the polar ice cap may so dilute the waters in the Gulf Stream that they do not become dense enough to drop down to continue this conveyor belt on back down to the tropics.

The Gulf Stream could stop. If the Gulf Stream slows down appreciably, or if it stopped, the climate in the British Isles and in Europe would be very, very different than it is today.

Now, if we were in Siberia talking about global warming and so forth, we may have a very different view of it. It might be hard to convince me that a little global warming might not be good if I lived in Siberia. But noting that just this 9-degree Fahrenheit, 5 degrees Centigrade change from the Ice Age has produced the incredible climate changes that we see from that time to this, you see the potential for really devastating climate changes as a result of very modest changes in temperature. Congressman GILCHREST.

Mr. GILCHREST. If the gentleman would yield just for a second on the issue of the Gulf Stream and the conveyer belt. As Mr. BARTLETT described the conveyor belt, it is part of this whole system of the climate that we are used to, because it creates this heat balance that humans over the last thousands of years have become used to in North America and especially Europe and England.

Mr. BARTLETT talked about Ireland being just about on the same latitude as northern Labrador, but has a much warmer climate. That is partly based on the fact that ocean currents bring warm air to that particular region.

With global warming, the ice cap on Greenland, which is about 600,000 square miles. The ice cap about 20 years ago was melting at a rate of about 20 cubic miles on an annual basis. About 5 years ago, it was melting at the rate of about 50 some cubic miles.

Today, it is 80 cubic miles of free water flowing into the northern part of the north Atlantic Ocean, putting what Mr. BARTLETT described, more fresh water, less likely to sink or drop and create the pump that drives the conveyor belt.

So the unexpected climate changes, instead of the potential for a much warmer climate in Europe, especially northern Europe, there is a slight chance because of global warming that you could have a much colder climate in northern Europe, the British Isles as a result of the fresh water pouring into the north Atlantic from the melting of the glaciers to stop this conveyor belt from functioning, the unpredictability of this climate change as a result of our dependance on foreign sources of oil and burning fossil fuel.

Mr. BARTLETT of Maryland. Madam Speaker, Congressman GILCHREST and I have both been twice to Antarctica. One of those trips we made together. We are on the Science Committee. We have a large experiment station down there right at the pole. When you go to Antarctica, that is a continent that nobody owns. I think Argentina claims they own it, and Russia claims they own it, but nobody honors those statements. It is an international area.

It has got ice piled nearly 2 miles high. So high and so heavy that it has actually pushed the continent down a little bit under it. 90 percent of all the world's ice is in Antarctica, and 70 percent of all the world's fresh water. You take our Great Lakes and all of the relatively thin ice at the North Pole and Greenland, that is relatively thin compared to nearly 2 miles in Antarctica.

So we have 90 percent of the ice down there and 70 percent of the fresh water. And Congressman GILCHREST mentioned that the oceans would rise maybe 3 feet with the melting of the glacial cap in Greenland and so forth and in the Arctic. If all of the ice melted, that would take a very long time, that is not going to happen tomorrow because there is a whole lot of it there.

But if all of the ice melted in Antarctica, I am told that the oceans would rise 200 feet.

□ 1800

Now, that would really, really change our world because I don't know what percent of our population lives within 200 feet altitude of the ocean. I suspect it is more than 50 percent, if you look around the world of the people that live at less than 200 feet altitude.

Now, there is an interesting ocean current that goes around Antarctica, talking about ocean currents and their affect on climates, that is the circumpolar current. And what it does is it keeps the, like our gulf stream, it will either let the cold air down if it is further south or keep it from coming down if it is further north. This circumpolar stream around the Pole keeps the northern, down there, of course, it is northern waters that are warm, it keeps the northern waters from coming down into Antarctica. And if something happened that stopped that circumpolar stream, the Antarctica polar ice cap might melt much more quickly than we anticipate that it might melt.

As an indication of how much these ocean currents affect climate, about 5 years ago, I guess it was, an iceberg broke off down in Antarctica, which was the size of Delaware. And in spite of the circumpolar current, some northern warm waters do get through it and down there to temper the climate a little, and that usually melts the sea ice enough so that they could get a boat in that is full of diesel file to McMurdo, which is where the main station is. You fly from there to the Pole. And because that big iceberg the size of Delaware blocked the flow of this water that year, and that was 4 years ago, it was so cold there that the sea ice didn't melt, and the closest they could get, with the help, by the way, of a Russian ice-breaker, the closest they could get was 3 miles out, so they laid a hose 3 miles across the ice to fill their tanks at McMurdo.

By the way, Congressman, one of the things that amazed me there, when I was down there the sun was shining all day long and the wind blew incessantly. I didn't see any solar panels down there, and I didn't see any wind machines down there. In the summer down there, in their summer, our winter, they could clearly make all of their energy from the wind and from solar. It just reflects the President's wise observation that we are hooked on oil. We are so hooked on oil that we are really quite irrational in our use of it. You had a comment?

Mr. GILCHREST. Mr. BARTLETT and I have been down there twice, the first time I went was probably about 10 years ago, and the supply ship to get to McMurdo station had to break ice. I believe it was about 12 miles from open water to McMurdo. And then after the ice shelf or that huge chunk of the glacier broke off about the size of Delaware, it was close to 30-something miles that they had to break that ice from open water all the way to McMurdo station. So a few degrees, a few changes have some pretty significant dramatic events.

On just a lighter note, on one of those trips, I can't remember which one it was, we went to watch the penguins. The first time I was in the Antarctic they didn't have that far to go to get to open water. The Adelie penguins, the second time, as a result of the increasing ice because it was blocked, had to go miles and miles and miles, and unfortunately it really reduced the population of those Adelie penguins in that part of the Ross ice shelf.

Mr. BARTLETT of Maryland. They have a very interesting rookery down there; we enjoyed seeing it. Both times I was down we went out to the rookery to see the penguins. The big Emperor penguins, they didn't like us; they waddled off. And they scoot along on their bellies when they are moving fast, by the way, rather than marching.

I am very pleased to have been joined by Congressman GILCHREST. And again I want to emphasize that we have three groups that have a common cause: those that are concerned about oil and national security, those that are concerned about the excessive use of fossil fuels and the climate change that may very well result from that, and those of us, and I am with all of those groups actually, but I am particularly concerned about the fact that we may muddle through the national security thing and somehow God may save us from the global warming, but nothing is going to save us if there really is a limited supply of oil.

So, I am very pleased to be joined by my colleague, and I join all of those in these three camps. We really do have common cause. Please join and help us do the right thing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LAMPSON (at the request of Mr. HOYER) for today.

Mr. ROYCE (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today and February 7.

Mr. GINGREY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 7, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

510. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

511. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

512. A communication from the President of the United States, transmitting a report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to 22 U.S.C. 2291-4; (H. Doc. No. 110-12); to the Committee on Foreign Affairs and ordered to be printed.

513. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-677, ''D.C. Housing Authority Rent Supplement Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

514. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-676, ''School Without Walls Development Project Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-674, ''National Association for the Advancement of Colored People Grant Authority Temporary Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

516. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-675, ''Fiscal Year 2007 Operating Cash Reserve and Revised Revenue December Allocation Temporary Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

517. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Use of NARA Facilities [NARA-06-0005] (RIN: 3095-AB55) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

518. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting pursuant to the requirements of Section 4 of the Government Performance and Results Act of 1993, the Office's annual Performance and Accountability Report for FY 2006; to the Committee on Oversight and Government Reform.

519. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 — Reporting & Best Practices (RIN: 3206-AK55) received December 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

520. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Awards (RIN: 3206-AL06) received January 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Amendment [USCG-2001-10881] (RIN: 1625-AA36) received January 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

522. A letter from the Secretary, Department of Transportation, transmitting a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-II'' submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA-21) and the extension of those provisions through FY 2006; to the Committee on Transportation and Infrastructure.

523. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 88th annual National Convention of the American Legion, held in Salt Lake City, Utah from August 25-31, 2006 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 110-10); to the Committee on Veterans' Affairs and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEWIS of Kentucky (for himself, Mr. PAUL, and Mr. ROGERS of Kentucky):

H.R. 833. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real estate and rural housing; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 834. A bill to provide permanent relief from the marriage penalty under the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself, Ms. HIRONO, Mr. FRANK of Massachusetts, and Ms. WATERS):

H.R. 835. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Financial Services.

By Mr. SMITH of Texas (for himself, Mr. FORBES, Mr. GALLEGLY, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, Mr. COBLE, Mr. FRANKS of Arizona, Mr. GOODLATTE, and Mr. PENCE):

H.R. 836. A bill to amend title 18, United States Code, to better assure cyber-security, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. FORBES, Mr. GALLEGLY, Mr. CHABOT, Mr. FEENEY, Mr. DANIEL E. LUNGREN of California, Mr. FRANKS of Arizona, and Mr. PENCE):

H.R. 837. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. BISHOP of Utah (for himself and Mr. CANNON):

H.R. 838. A bill to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes; to the Committee on Natural Resources.

By Mr. BISHOP of Utah:

H.R. 839. A bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; to the Committee on Natural Resources.

By Ms. CARSON (for herself, Mr. DAVIS of Kentucky, Ms. LEE, and Mr. RENZI):

H.R. 840. A bill to amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes; to the Committee on Financial Services.

By Ms. FOXX:

H.R. 841. A bill to amend the Federal charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize the corporation to extend eligibility for associate membership in the corporation to the spouse and siblings of a recipient of the Purple Heart; to the Committee on the Judiciary.

By Mr. NORWOOD:

H.R. 842. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program,

and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 843. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 844. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of the service not performed during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. FRANKS of Arizona, and Mr. PENCE):

H.R. 845. A bill to improve and consolidate the law relating to restitution in criminal cases; to the Committee on the Judiciary.

By Mr. CHABOT (for himself, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. COBLE, Mr. FRANKS of Arizona, and Mr. PENCE):

H.R. 846. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

By Mr. COOPER:

H.R. 847. A bill to amend the Internal Revenue Code of 1986 to require that amounts paid for employer-provided coverage under accident or health plans be included on W-2 Forms; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 848. A bill to amend the State Department Basic Authorities Act of 1956 to authorize assistance to combat HIV/AIDS in certain countries of the Caribbean region; to the Committee on Foreign Affairs.

By Mr. GALLEGLY:

H.R. 849. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to notify the Secretary of Homeland Security of employer returns showing the employment of individuals not authorized to be employed in the United States and to notify the employers that they must terminate the employment of those employees, to provide an opportunity for those employees to contest the information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 850. A bill to amend the Internal Revenue Code of 1986 to establish a procedure for determining whether individuals who are not authorized to be employed in the United States are so employed; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. SMITH of Texas, and Mr. FRANKS of Arizona):

H.R. 851. A bill to modify the law with respect to the death penalty, and for other purposes; to the Committee on the Judiciary.

By Mr. INSLEE (for himself and Mrs. BLACKBURN):

H.R. 852. A bill to prohibit the obtaining of customer information from telecommunications carriers by false pretenses, and the sale or disclosure of such records obtained by false pretenses; to the Committee on Energy and Commerce.

By Mr. KNOLLENBERG:

H.R. 853. A bill to promote preventive health care for Americans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. LEWIS of Georgia, Ms. DELAURO, Ms. MATSUI, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. KENNEDY, Mr. CONYERS, Mr. NADLER, Mr. BERMAN, Mr. ROTHMAN, Mr. MOORE of Kansas, Mr. CAPUANO, Mr. KUCINICH, Ms. WOOLSEY, Ms. LEE, Mr. WEXLER, Mr. SERRANO, Ms. CASTOR, Ms. ZOE LOFGREN of California, Ms. WATSON, Mr. BRADY of Pennsylvania, Mr. SPRATT, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. CUMMINGS, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. STARK, Mr. CLEAVER, Mr. COHEN, Mr. BACA, and Mr. ELLISON):

H.R. 854. A bill to authorize the Secretary of Health and Human Services to award grants to eligible entities to prevent or alleviate the effects of youth violence in eligible urban communities by providing violence-prevention education, mentoring, counseling, and mental health services to children and adolescents in such communities; to the Committee on Energy and Commerce, and in addition to the Committee on 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. DANIEL E. LUNGREN of California (for himself, Mr. COBLE, Mr. CHABOT, Mr. GALLEGLY, Mrs. DRAKE, Mr. MILLER of Florida, Mr. HERGER, Mr. GINGREY, Mr. FOSSELLA, Mr. MCKEON, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCARTHY of California, Mr. SESSIONS, Mr. POE, Mr. MCCOTTER, Mrs. MYRICK, Mr. PENCE, Mr. SMITH of Texas, and Mr. FRANKS of Arizona):

H.R. 855. A bill to amend title 18, United States Code, to improve the criminal law relating to terrorism, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mrs. CAPPS, and Ms. CLARKE):

H.R. 856. A bill to honor Susan B. Anthony by celebrating her legacy on the third Monday in February; to the Committee on Oversight and Government Reform.

By Mr. MCNULTY:

H.R. 857. A bill to clarify the rules of origin for certain textile and apparel products; to the Committee on Ways and Means.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. MCCRERY, Mr. JEFFERSON, Mr. BOUSTANY, Mr. ALEXANDER, and Mr. JINDAL):

H.R. 858. A bill to amend the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 to authorize the Federal Emergency Management Agency to provide additional assistance to State and local governments for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes; to the Committee on Transportation and Infrastructure.

By Mr. SALAZAR:

H.R. 859. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. SOLIS:

H.R. 860. A bill to designate certain public land as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Recreation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. STEARNS (for himself and Mr. BOUCHER):

H.R. 861. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 862. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 863. A bill to improve communications interoperability for emergency response; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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. TOWNS (for himself and Mr. UPTON):

H.R. 864. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 865. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Natural Resources.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BOUSTANY, Mr. CANNON, Mrs. EMERSON, Mr. KING of Iowa, Mr. LEWIS of Kentucky, Mr. NORWOOD, Mr. ROGERS of Alabama, Mr. BARTLETT of Maryland, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. MCCOTTER, Mr. RADANOVICH, and Mr. BACHUS):

H.J. Res. 22. A joint resolution proposing an amendment the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 56. Concurrent resolution expressing the sense of Congress that Arthur Schomburg should be recognized for his leadership and contributions in documenting, recording, and researching the historical contributions to society of peoples of African descent and for his efforts to combat racial and ethnic discrimination in the United States; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 57. Concurrent resolution recognizing the contributions of the New York Public Library's Schomburg Center for Research in Black Culture in educating the people of the United States about the African-American migration experience, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 58. Concurrent resolution expressing the sense of Congress that Madame

C. J. Walker should be recognized for her achievements in business, her inventions, and her commitment the African-American community; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 59. Concurrent resolution expressing the sense of Congress that Zora Neale Hurston should be recognized for her achievements as a novelist and anthropologist, and for her contributions to the Harlem Renaissance movement; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY of New York (for herself, Mr. FOSSELLA, Mr. ENGEL, Mr. TOWNS, Mr. WEINER, Mr. NADLER, Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. MCNULTY, Mr. DENT, Mr. SERRANO, Mr. SHAYS, and Mr. ISRAEL):

H. Res. 128. A resolution urging the Department of Health and Human Services to prepare a long-term, comprehensive plan to medically monitor all individuals who were exposed to the toxins of Ground Zero following the terrorist attacks of 9/11 and to treat all those sick or injured; to the Committee on Energy and Commerce.

By Mr. HOYER:

H. Res. 129. A resolution electing officers of the House of Representatives; considered and agreed to.

By Ms. CARSON (for herself, Mr. BURTON of Indiana, Mr. VISCLOSKY, Mr. DONNELLY, Mr. SOUDER, Mr. BUYER, Mr. PENCE, Mr. ELLSWORTH, and Mr. HILL):

H. Res. 130. A resolution congratulating the National Football League champion Indianapolis Colts for winning Super Bowl XLI and for bringing the City of Indianapolis and the State of Indiana their first Lombardi Trophy; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. FEENEY, Mr. CRENSHAW, Mr. MACK, Mr. MILLER of Florida, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. MICA, Mr. BILIRAKIS, Mr. PUTNAM, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. KLEIN of Florida, Mr. BUCHANAN, Ms. CORRINE BROWN of Florida, Mr. MAHONEY of Florida, Mr. BOYD of Florida, Ms. GINNY BROWN-WAITE of Florida, and Ms. CASTOR):

H. Res. 131. A resolution recognizing and honoring the lifetime contributions of Rafael Jose Diaz-Balart on the dedication of the Rafael Diaz-Balart Hall at the Florida International University College of Law; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Res. 132. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

5. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 248 memorializing the Congress of the United States to enact legislation to amend the definition of ''Physician'' in the Medicaid program to include Podiatric Physicians; to the Committee on Energy and Commerce.

6. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 288 memorializing the Congress of the United States to increase funding to dredge Michigan's Deep-Draft Great Lakes Ports and Waterways; to the Committee on Transportation and Infrastructure.

7. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 313 memorializing the Congress of the United States to approve full federal funding for the barriers designed to protect the Great Lakes from Asian Carp; to the Committee on Transportation and Infrastructure.

8. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 266 memorializing the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. HALL of Texas and Mr. LEWIS of California.

H.R. 26: Mr. WAMP and Mr. CAMPBELL of California.

H.R. 73: Mr. SESSIONS, Mr. GINGREY, Mr. WICKER, and Mr. SIMPSON.

H.R. 82: Mr. BAIRD, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. HALL of Texas, Mr. LEWIS of Kentucky, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. CAPITO, Mr. PETERSON of Minnesota, Ms. PRYCE of Ohio, Mr. THOMPSON of California, and Mr. TIBERI.

H.R. 137: Mr. ELLISON, Mr. HALL of New York, Mr. PERLMUTTER, Mr. WILSON of Ohio, Mr. SPACE, Mr. KLEIN of Florida, Mr. KAGEN, Ms. DEGETTE, Ms. GIFFORDS, Mr. SESTAK, Mr. SARBANES, and Ms. CASTOR.

H.R. 156: Mr. JOHNSON of Georgia, Mr. ALTMIRE, Ms. JACKSON-LEE of Texas, and Mr. GONZALEZ.

H.R. 177: Mr. MEEKS of New York.

H.R. 180: Mr. ISRAEL, Mr. OLVER, Ms. MOORE of Wisconsin, Mr. OBERSTAR, Mr. PRICE of North Carolina, and Ms. WOOLSEY.

H.R. 184: Mr. BONNER.

H.R. 196: Mr. JINDAL and Mr. ALTMIRE.

H.R. 197: Mr. MCCAUL of Texas, Mr. MCNERNEY, Mr. CLEAVER, Mr. MORAN of Virginia, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 211: Mr. LATOURETTE and Mr. MCCARTHY of California.

H.R. 224: Mr. GOHMERT, Mr. PEARCE, Mr. SAM JOHNSON of Texas, and Mr. PENCE.

H.R. 225: Mr. MILLER of Florida, Mr. MCCOTTER, Mr. FEENEY, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. MARSHALL, Mr. NEUGEBAUER, Mrs. CUBIN, Mr. GARRETT of New Jersey, Mrs. MYRICK, Mr. NORWOOD, and Mr. SOUDER.

H.R. 232: Mr. SMITH of Nebraska.

H.R. 270: Mrs. DRAKE.

H.R. 273: Mr. PAUL.

H.R. 303: Mr. ALLEN, Ms. BERKLEY, Mr. SPACE, and Mr. OBERSTAR.

H.R. 327: Mr. MARKEY, Mr. KILDEE, Ms. DELAURO, Mr. VAN HOLLEN, Mr. ALTMIRE, and Mr. JEFFERSON.

H.R. 353: Mr. GUTIERREZ.

H.R. 369: Mr. PAYNE and Mr. HARE.

H.R. 395: Mr. MORAN of Virginia and Mr. GILLMOR.

H.R. 400: Mr. MCGOVERN, Mr. JOHNSON of Georgia, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Ms. VELÁZQUEZ, and Ms. HIRONO.

H.R. 418: Ms. KILPATRICK, Mr. POE, Mr. SPRATT, Mr. COLE of Oklahoma, Mr. FALEOMAVAEGA, and Ms. JACKSON-LEE of Texas.

H.R. 458: Mr. CUMMINGS and Mr. COHEN.

H.R. 460: Mr. PAYNE and Mr. CLAY.

H.R. 464: Ms. CASTOR and Ms. WOOLSEY.

H.R. 468: Ms. WOOLSEY.

H.R. 473: Mr. FORTENBERRY and Mr. GERLACH.

H.R. 493: Ms. SHEA-PORTER, Mr. ABERCROMBIE, Mr. CUMMINGS, and Mr. SHERMAN.

H.R. 500: Mr. MILLER of Florida, Mr. ENGLISH of Pennsylvania, and Mr. FLAKE.

H.R. 512: Mr. GONZALEZ, Mr. JEFFERSON, Ms. WATSON, Ms. SLAUGHTER, Mrs. DAVIS of California, Ms. BORDALLO, Mr. ENGLISH of Pennsylvania, and Mr. WALSH of New York.

H.R. 524: Mr. LIPINSKI, Mr. MCNERNEY, Ms. KILPATRICK, and Ms. BORDALLO.

H.R. 526: Mr. GORDON and Ms. WOOLSEY.

H.R. 544: Mr. BACA.

H.R. 545: Mr. PETERSON of Minnesota, Mr. MICHAUD, Mr. SMITH of Washington, Mr. RAMSTAD, and Ms. JACKSON-LEE of Texas.

H.R. 549: Mr. MCCAUL of Texas, Mr. WALZ of Minnesota, Mr. MOORE of Kansas, Mr. REICHERT, and Mr. COLE of Oklahoma.

H.R. 556: Mr. LATOURETTE, Mr. BUCHANAN, and Mr. MILLER of North Carolina.

H.R. 566: Ms. WOOLSEY.

H.R. 567: Ms. SHEA-PORTER and Mr. REHBERG.

H.R. 569: Mr. SAXTON, Mr. KAGEN, Ms. MATSUI, Mr. MICHAUD, Ms. SHEA-PORTER, MS. SCHAKOWSKY, and Mr. LYNCH.

H.R. 579: Mr. JOHNSON of Georgia, Mrs. CAPITO, Mr. GUTIERREZ, and Mr. ROGERS of Alabama.

H.R. 582: Mr. HARE.

H.R. 584: Mr. RAHALL, Mr. CHANDLER, Mr. COOPER, Mr. PASTOR, Mr. ALTMIRE, Mr. SERRANO, and Mr. MOORE of Kansas.

H.R. 590: Mr. TERRY.

H.R. 592: Mr. GUTIERREZ, Mr. ENGLISH of Pennsylvania, Mr. BURTON of Indiana, Mrs. NAPOLITANO, and Mrs. CAPPS.

H.R. 594: Mr. MCHUGH.

H.R. 607: Mr. SAXTON.

H.R. 620: Mr. HALL of New York, Mr. ELLISON, Mr. CONYERS, Mr. GRIJALVA, Mr. PASTOR, Mr. LEWIS of Georgia, Mr. LYNCH, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. PALLONE, Ms. VELÁZQUEZ, Mr. WEXLER, Mr. WYNN, and Mr. DAVIS of Illinois.

H.R. 621: Mr. MCHUGH, Mr. GERLACH, Mr. ISRAEL, and Mr. WESTMORELAND.

H.R. 622: Mr. MEEK of Florida and Mr. JEFFERSON.

H.R. 623: Mr. WYNN, Mr. GRIJALVA and Mr. SERRANO.

H.R. 624: Mr. CLAY, Mr. MCNULTY, Mr. FILNER, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. GEORGE MILLER of California.

H.R. 631: Mr. MCCAUL of Texas and Mr. SHADEGG.

H.R. 645: Mr. MORAN of Virginia.

H.R. 654: Mr. PAUL, Ms. LEE, Mr. MOORE of Kansas, Mr. SHAYS, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. MCNULTY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. FARR, Mr. FILNER, Mr. SERRANO, and Mr. THOMPSON of California.

H.R. 657: Mr. MCINTYRE.

H.R. 659: Mr. DENT, Mr. SHAYS, Mr. DAVID DAVIS of Tennessee, Mr. CUELLAR, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, and Mr. SOUDER.

H.R. 664: Mr. CALVERT.

H.R. 667: Mr. HUNTER, Mrs. TAUSCHER, Mr. STARK, and Mr. EVERETT.

H.R. 676: Mr. RUSH.

H.R. 678: Mr. KENNEDY.

H.R. 692: Mr. FATTAH and Mr. TOWNS.

H.R. 695: Mr. YARMUTH and Mr. PASCRELL.

H.R. 698: Mr. BOREN, Ms. LORETTA SANCHEZ of California, Mr. BOSWELL, Mr. BISHOP of Georgia, Mr. DEAL of Georgia, Mr. JORDAN, Ms. DEGETTE, Mr. WILSON of Ohio, Mr. ETHERIDGE, and Mr. OBERSTAR.

H.R. 699: Mr. TERRY and Mr. HOEKSTRA.

H.R. 700: Mr. KAGEN.

H.R. 711: Mr. BLUMENAUER, Mrs. DRAKE, Ms. CORRINE BROWN of Florida, and Mr. GINGREY.

H.R. 714: Mr. PRICE of North Carolina.

H.R. 720: Mr. KAGEN, Mr. COSTELLO, Ms. MATSUI, Mr. MITCHELL, Mr. NADLER, Ms. HIRONO, Mr. FALEOMAVAEGA, Mr. DEFAZIO, Mr. CUMMINGS, Mr. BOUCHER, Mr. GALLEGLY, and Mr. ARCURI.

H.R. 721: Mr. ROYCE, Mr. DANIEL E. LUNGREN of California, Mr. BOREN, Mrs. BLACKBURN, Mr. ROGERS of Kentucky, Ms. BERKLEY, Mr. PETERSON of Minnesota, Mr. BOSWELL, Mr. SMITH of Texas, Mr. HERGER, Mr. ETHERIDGE, Mr. MCINTYRE, Mr. PICKERING, Mr. WU, Mr. OBERSTAR, Mr. EVERETT, Mr. RENZI, Mr. GRAVES, Mr. MCCAUL of Texas, and Mr. LUCAS.

H.R. 724: Mrs. MYRICK.

H.R. 725: Mrs. MYRICK.

H.R. 758: Mrs. BOYDA of Kansas.

H.R. 759: Ms. WATSON and Mr. SERRANO.

H.R. 768: Mr. BONNER and Mr. FORBES.

H.R. 769: Mr. HOEKSTRA, Mr. FORBES, Mr. BONNER, Mr. REGULA, and Mrs. MILLER of Michigan.

H.R. 780: Ms. SHEA-PORTER and Mr. SHIMKUS.

H.R. 782: Mr. LATOURETTE, Ms. SHEA-PORTER, Mr. MARSHALL, Mrs. MALONEY of New York, Mr. BURTON of Indiana, and Mr. WILSON of Ohio.

H.R. 787: Mr. HARE.

H.R. 800: Mr. SNYDER.

H.R. 811: Ms. BEAN, Mr. HARE, Mr. KANJORSKI, Mr. TIM MURPHY of Pennsylvania, Mr. LEVIN, and Ms. CASTOR.

H.R. 819: Mr. ELLISON, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, and Mr. RANGEL.

H.R. 820: Mr. PICKERING.

H.J. Res. 3: Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JOHNSON of Georgia.

H.J. Res. 14: Mr. MCNULTY, Mr. ALLEN, Mr. CAPUANO, Mr. BOSWELL, and Ms. SCHAKOWSKY.

H.J. Res. 18: Mr. HALL of New York.

H. Con. Res. 26: Mr. BACA.

H. Con. Res. 27: Mr. NADLER, and Mr. NEAL of Massachusetts.

H. Con. Res. 39: Mrs. MALONEY of New York, Mr. WAXMAN, Mr. CROWLEY, Ms. LEE, Mr. BACA, Mr. MOORE of Kansas, and Mrs. JONES of Ohio.

H. Con. Res. 46: Mr. MILLER of North Carolina, Mr. GUTIERREZ, Ms. BALDWIN, and Ms. HIRONO.

H. Res. 25: Mr. GRIJALVA, Mr. HOLT, Mr. ISRAEL, Ms. SCHAKOWSKY, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. GUTIERREZ, and Mr. WEXLER.

H. Res. 55: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. AL GREEN of Texas, and Mr. MCDERMOTT.

H. Res. 71: Ms. SCHAKOWSKY.

H. Res. 72: Mr. YOUNG of Florida, Ms. SHEA-PORTER, and Ms. JACKSON-LEE of Texas.

H. Res. 87: Mr. HARE, Mrs. DRAKE, Mr. GONZALEZ, and Mrs. MYRICK.

H. Res. 97: Mr. BAIRD, Mr. HARE, Mr. ALTMIRE, Mr. WELCH of Vermont, Ms. CASTOR, Ms. SCHWARTZ, Mrs. BOYDA of Kansas, Mr. MILLER of North Carolina, and Mr. HODES.

H. Res. 100: Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. SHAYS, Mr. BACA, Ms. WATSON, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 119: Mr. JONES of North Carolina, Mr. GORDON, Mr. YOUNG of Alaska, Mr. LYNCH, and Mr. HARE.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, FEBRUARY 6, 2007 No. 22

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Gracious God, who reveals Yourself gloriously in the rising and setting Sun, make us good stewards of Your blessings. Give us opportunities to help solve the problems in our world by using our minds to produce creative solutions.

Inspire our Senators. As they abide in Your presence, make them receptive to Your guidance. Fill their minds with insight and wisdom, their hearts with resiliency and courage, and their bodies with vigor and vitality. Today, give them the grace to think not of what they can get but of what they can give. Empower them to practice conciliation without compromise. Place Your arms of protection around them and their loved ones.

We pray in Your all-powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 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, today the Senate will be in morning business. During the period of morning business, the first 30 minutes will be controlled by the majority, with Senators LEAHY, MIKULSKI, and KENNEDY each controlling 10 minutes. The next 30 minutes will be controlled by the Republicans. Following that division, the remaining time until 12:30 will be equally divided and controlled between the minority and the majority.

The Senate will be in recess this Tuesday, today, for a longer period of time than normal, from 12:30 to 3:30. The recess is longer because we have a 2:30 p.m. briefing in room 407 on the National Intelligence report we just received.

ORDER OF PROCEDURE

I ask unanimous consent that the time from 3:30 to 6:30 today also be equally divided and controlled between the majority and minority.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first half hour under the control of the majority and the next half hour under the control of the minority.

RECOGNITION OF MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

IRAQ FUNDING

Mr. MCCONNELL. Mr. President, at this time there is no more important issue facing our country than the mission and the fate of the American service men and women in Iraq. This means, of course, that the men and women of this body have no higher duty than to express ourselves openly and honestly on this issue—to take a stand on where we stand.

The only truly meaningful tool the Framers gave us to do this was our ability to fund or to not fund a war. That is it. And this is what Republicans are insisting upon: that the Members of this body express themselves on the question of whether to fund or not fund the war in Iraq.

By blocking a vote on the Gregg funding resolution, our good friends on the other side are blocking a vote on this most essential question—the only question that ultimately matters. Do we oppose this war to the point of action or do we simply want to make a point?

Our colleagues say they want progress in Iraq, but by blocking a vote

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

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on the McCain benchmarks resolution, they are blocking a vote that would actually set concrete goals.

So let's be very clear about what happened last night. Our colleagues on the other side do not want to vote on whether troops should be funded—period. There is no more critical question at this moment. We have the duty to take it up, and we will continue to fight for that right.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IRAQ ESCALATION

Mr. REID. The issue before the American people that relates to Iraq is the surge—the escalation of the war in Iraq. That is the debate that should be before this body, and last night that was prevented. An up-or-down vote on MCCAIN, who is supporting the surge, or a vote in opposition to the surge, the escalation sponsored by WARNER and LEVIN—that is the issue before this body today.

This is a diversion. This is a diversion. We finished the Super Bowl. This is a trick play by the Republicans. The real issue before this body is surge or no surge, escalation or no escalation. That is the debate the American people deserve.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized for 10 minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer.

I heard what the distinguished majority leader said. I agree with him. The Senate, as I have often said, should be the conscience of the Nation. There are only 100 of us to represent 300 million people. Americans expect us to speak up on the war. Americans expect us to vote on the war. Americans expect us to vote on the issue of the surge.

Now, I understand some Senators will support the surge, some will oppose it, but allow us to have those votes. Allow us to express the conscience of this Nation.

I ask unanimous consent that a column by E.J. Dionne entitled ''The War To Save The Surge'' from today's Washington Post be printed in the RECORD.

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

[From the Washingtonpost.com, Feb. 6, 2007]

THE WAR TO SAVE THE SURGE

(By E. J. Dionne, Jr.)

When political opponents tell you that to prove your seriousness you need to pursue a strategy they know is doomed to failure, shouldn't you be skeptical of their advice?

As the Senate considers a resolution to put itself on record opposing President Bush's escalation of the Iraq war through a ''surge'' of troops, Bush's backers are saying one thing and doing another.

They are saying that the resolution is meaningless and that true opponents of the war should prove their sincerity by cutting off funding altogether. But they are doing all they can to keep the Senate from even voting on a bipartisan anti-surge resolution that would send a powerful message to Bush that most Americans have lost faith in his bungled war policy.

If you doubt that the war's supporters would love its opponents to put all their eggs in the fund-cutoff basket, consider what it means for them to sound as if the administration's only serious foes were the likes of Dennis Kucinich and Cindy Sheehan.

''I don't think these resolutions, nonbinding resolutions, are going to accomplish anything,'' Sen. John Cornyn, a Texas Republican and a Bush loyalist, told Gwen Ifill on PBS's ''NewsHour'' last week. ''If we really had the courage of our convictions,'' Cornyn said, the ''we'' referring to the war's opponents, ''if people said, 'You know what? This is an immoral task we've asked our troops to do because we don't believe in the mission, we think they're going to fail.' They ought to cut off funds. But to have this sort of—this debate without any real consequence, I just don't think is the best use of our time.''

So Cornyn wants to block a vote on a supposedly unimportant anti-surge resolution, but he would be happy to entertain a debate on a funding cutoff. Does that not send a message to the war's critics?

And it's not just Cornyn. It is now a standard talking point for supporters of this war, from the editorial pages of the Wall Street Journal and the Weekly Standard to Vice President Cheney himself, to try to block any statement by Congress of its views, except through a vote to block funds for Iraq.

''The Congress has control over the purse strings,'' said Cheney, who on most other occasions insists upon the executive's supremacy over Congress. In an interview with CNN's Wolf Blitzer last month, Cheney added: ''They have the right, obviously, if they want to cut off funding, but in terms of this effort the president has made his decision. . . . We'll continue to consult with the Congress. But the fact of the matter is, we need to get the job done.''

In other words: Even if a substantial majority of Congress that includes many Republicans demonstrates a lack of confidence in the Bush-Cheney surge, the administration will feel free to ignore the other elected branch of our government—and the more recently elected branch (remember November, anyone?) at that.

Oh, and if an anti-surge resolution were trivial, why would William Kristol, editor of the Weekly Standard and one of the war's most passionate advocates, devote a long and angry editorial in the latest issue of his magazine to attacking Sen. John Warner (Va.) and other Republicans as ''ignominious'' for their support of an anti-surge measure? Kristol knows that every Republican vote against escalation carries special weight in speeding this war to an end. So does the Senate's Republican leadership, which used a procedural vote yesterday evening to impede the majority's will on the surge.

Supporters of Bush's war policy would love a vote on a full funding cutoff right now because they know that, at this moment, they could win it. They would love responsibility for the failures in Iraq to fall not on an administration that planned its policy so badly and carried it out so incompetently. Far better for them to heap blame on the war's opponents for ''losing faith.''

And they know, as the war's opponents should, that in a democracy whose constitution accords so much power to the president, turning around even a failed war policy takes time, persuasion, organizing, legislative strategizing and pressure.

The impatience of the administration's critics is entirely understandable. But it would be a shame if impatience got in the way of a sensible long-term strategy to bring America's engagement in this war to as decent an end as possible as quickly as possible—even if not as quickly as they'd like. The anti-surge resolution is a necessary first step, which is why those who are against a genuine change in our Iraq policy are fighting so hard to stop it.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 495 are located in today's RECORD under ''Statements on Introduced Bills and Resolutions.'')

Mr. LEAHY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

IRAQ

Ms. MIKULSKI. Mr. President, to my colleagues, my constituents, and the American people, I rise today to absolutely say without any equivocation that I do support the Warner-Biden-Levin resolution on Iraq opposing the escalation of our troops. I also stand in the Senate to say: We were robbed! We were robbed of our ability to be able to vote on this resolution!

The American people, on November 7, sent a message to Congress and to the President of the United States: Change the tone in Washington, change the direction in Iraq, and change the priorities of this Nation. We, on this side of the aisle, got the message. The other side does not seem to have. This parliamentary maneuver to block a vote on the Warner-Biden-Levin resolution, to allow us to vote up or down on approving the escalation, shows that it is the same old tone. Please, let's give the process a chance.

Second, it also robs us of the ability to begin to express our vocal support for changing the direction.

This bipartisan resolution is a first step. It is not going to be the last word in bringing our troops home safely and swiftly. The Warner-Biden-Levin resolution affirms clearly and unequivocally a commitment to our men and women in uniform: Congress will not abandon you while you are in Iraq and when you come home. We stand by our troops. However, this resolution says ''no'' to the President's reckless plan to escalate troop presence in Iraq. The bipartisan resolution insists that the Iraqi Government stand up for its own people to provide security, services, and an agreement on oil revenue sharing.

I am not new to this position. I never wanted to go to war in the first place. I was 1 of the 23 who voted against this war on October 11, 2002—4 years ago. I will never forget it. I didn't believe the administration's arguments then, and I

don't believe them now. I opposed giving the President unilateral authority to launch a preemptive attack. I said the United States had to exhaust its diplomatic options. I encouraged the administration to stick with the U.N., to let the U.N. meet its responsibility to deal with the Saddam threat. I said we should not go on our own.

The day of the vote, I was so filled with apprehension about the course of the war, about the course we were embarking on, I said in this Senate that we don't know whether our troops will be greeted with flowers or landmines. Well, now we know. That mission did not get accomplished. I called the 72 families in Maryland who gave their lives and made the ultimate sacrifice. I know what is going on out there with the families. I also know when we got to Iraq there were no weapons of mass destruction, but the destruction happened, and it happened fast.

No one can ask more of our troops. They are brave. They are courageous. They have fought valiantly. But after 4 years of fighting, where are we in Iraq? Well, the United States, went to war with Iraq, but right now we are at war within Iraq. Saddam is gone, but we are still there. And we are mired in a civil war between different ethnic and sectarian groups.

I have stated what I am against, but let me state what I am for. I am for the Warner-Levin-Biden resolution. I salute the leadership who produced it: JOHN WARNER, a decorated war hero, former Secretary of the Navy, chairman of the Committee on Armed Services when the Republicans were in control, a distinguished person, and a man of great comity and civility—no one more compassionate about America's security than JOHN WARNER; JOE BIDEN, chair of our Foreign Relations Committee; CARL LEVIN, an expert on the Committee on Armed Services and now the chairman. They put their heads together and they came up with this resolution, and to a man—and this woman supports them—the Senate opposes the President's plan because we think it is reckless.

The bipartisan resolution says the objective of overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises, to foster reconciliation, and strengthen the unity government. This is what I consider essential.

The resolution says the primary objective of our military strategy should be to maintain Iraq's territorial integrity—fancy words for protecting the border; deny the terrorists a safe haven—yes, but they weren't there in the first place; promote regional stability; promote counterterrorism; train and equip the Iraqi forces. We have been doing it for 3 years. Guess what? They have not been showing up! And the other day when they were supposed to show up for a battle, 55 percent of them showed up in Baghdad. Gates, our new Secretary of Defense, said: Isn't this improvement? Last year, they didn't show up at all. It is their war and they are not showing up. Why should we show up for their war when they have a 50-percent attendance rate? What is wrong with this thinking?

As much as possible, the current U.S. military operations should be confined to these goals. We show up, they don't. Something is really wrong with this picture.

The bipartisan resolution calls for the United States to engage the nations in the Middle East to develop a regionally and internationally sponsored peace and reconciliation process. That is what we should be doing. The resolution says it should not be an open-ended commitment or unconditional. Sure, there should be benchmarks, but benchmarks with enforcement capability.

I do support this resolution because it makes clear to our men and women in uniform that Congress will not abandon them. It explicitly says that Congress should not take any action that will endanger U.S. military forces in the field. Whether on the battlefield or on the homefront, our troops deserve the best.

Also, the latest intelligence shows that Iraqi leadership has to make difficult changes. The solution in Iraq requires a political solution from the Iraqis—not military muscle—from the Americans.

There are parts of this resolution with which I don't agree. They call it an augmentation; I call it escalation. I oppose the calls for the vigorous operations at Anbar until there is greater clarification. There is no doubt that al-Qaida is operating in Iraq. But when I voted 4 years ago, al-Qaida was not there; they were in Afghanistan. Why didn't we stick with Afghanistan and really clean their clock? Now the President wants to send more Marines to Anbar to fight al-Qaida when we should have been in Afghanistan, catching Osama bin Laden.

We do need a way forward in Iraq. The Iraq Study Group gave us 79 recommendations as a way to go forward. Surely the President of the United States could have found 50 for us to sit down at a table, talk, and work together for the good of our country, the good of our troops, and the good of peace in the Middle East. Seventy-nine recommendations and they have all been cast aside. The Iraq Study Group calls for diplomatic and political efforts, a change in their primary mission to move our troops out of Iraq responsibly. They gave us a way forward that they believe could have gotten our troops out by the first quarter of 2008. Let's give those 79 recommendations at least a forum to be debated and discussed and acted on.

Where do we go from here? I will tell you where I think we ought to go. First of all, we ought to have a vote on the Warner-Biden-Levin resolution. If they do not want to give us that, give us a vote on the McCain resolution to vote to approve this escalation. One way or the other, that is our constitutional duty.

The President says he does not need congressional consent to be able to do this reckless escalation. But he sure does need congressional advice. And my advice is, let's send in the diplomats before we send in more troops. We need a robust diplomatic strategy to match our robust military strategy. We need to make it clear that the Congress will not abandon our troops in the field, and we will not abandon them when they come home. Look at this President's budget; we are abandoning our troops. This whole escalation—sure, they talk about money for the 21,000, but it takes another 20,000 to support them. They don't walk their talk. They don't put the money in the budget.

Then we have our troops coming home. You look at the President's budget on Veterans Affairs—not only have they lost the records, they have lost their way at VA. We are not equipped to deal with Iraq and Afghanistan veterans coming home. They have horrific, permanent wounds of war, and we have a weak, unreliable funding system. You can't just support the troops with yellow ribbons. You have to put the money behind it. How about putting the money behind it when they come home? They need us. And they need us not only with words; they need us with deeds in the budget process. And I don't see it.

Now, we also need to make it clear to Iraqi Prime Minister Maliki that he has to start to act. Speaking of showing up, I saw they could not get a quorum in the Iraqi Parliament. Only 50 percent of the troops show up, their own Parliament doesn't show up, but we show up with 21,000 more troops? The Prime Minister must meet benchmarks.

Let me conclude by saying that a great American military should not be a substitute for a weak Iraqi Government. Neither Congress nor the American people will abandon our troops, but the best way to support our troops is not to send more in harm's way.

Mr. President, I ask unanimous consent that the remaining time for Senator KENNEDY be reserved.

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

Ms. MIKULSKI. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

IRAQ

Mr. CORNYN. Mr. President, I noted with some interest the headline in today's Washington Post. It says ''GOP Stalls Debate on Troop Increase.'' I must say, in light of the remarks of the Senator from Maryland, obviously nobody has stalled the debate on troop increase or anything else to do with the conflict in Iraq. In fact, I think that is a positive thing because there isn't

anything more important, in my view, than debating this important issue and, as the Senator from Maryland said, supporting our troops.

I do have profound disagreement, though, that these nonbinding resolutions which have been offered do anything other than encourage our enemy and undermine our troop morale.

I wonder why it is that so many are insistent that we proceed forward on nonbinding resolutions when, in fact, we know what power the Congress has when it comes to war. It is not to supplant the Commander in Chief, it is not to have 535 micromanagers, but it is the power of the purse. Yet it is the very amendment that Senator GREGG, the Senator from New Hampshire, has offered that the majority leader has denied an opportunity to debate and on which to have have an up-or-down vote. That is what the vote yesterday was about. It is not to cut off debate; it is to make sure the debate continues and that the varied positions espoused by Members of the Senate are not only fully debated but that there is an opportunity to vote on those positions.

At least two Members of the majority—Senator DODD and Senator FEINGOLD—have made it clear that they believe the power of the purse should be exercised to cut off funding to support this new plan forward. While I disagree with them, I do respect the fact that they actually intend to vote for something that would make a difference in the outcome as opposed to the nonbinding resolutions which have been offered by Senator LEVIN and others.

I do not understand why it is the critics—the President's critics and the critics of what is happening in Iraq—why they will not take yes for an answer. Yes, as the Senator from Maryland said, on November 7, obviously, Iraq was on the minds of the American people. It is one of the reasons why, frankly, the then majority is no longer the majority.

There were critics on the other side of the aisle who said the Secretary of Defense needed to be replaced. Now we have confirmed a new Secretary of Defense, Secretary Robert Gates.

There are those who said: What we are doing in Iraq is not working, so we need a new commander. And, indeed, we have confirmed, unanimously, a new commander of Coalition Forces in Iraq.

There are those who said: We need a new plan in Iraq. And lo and behold, the President announced a new plan after lengthy consultation.

I think there is a fair amount of revisionist history or selective memory going on. For example, there are some who said the President did not consider, in coming up with this new plan, the provisions of the Iraq Study Group. Of course, this is a bipartisan group that made 79 different recommendations. But I would challenge the critics who say the President ignored the Iraq Study Group report to look at page 73 of that report, where they say, unanimously—a bipartisan group—they could support a temporary surge of troops to secure Baghdad if it was necessary.

Indeed, if you look at this new way forward, that is precisely what it is, a temporary surge, supporting Iraqi troops to provide an opportunity not only to clear but to hold Baghdad and then to build and begin the political reconciliation process that is necessary for stabilization.

My colleagues on the other side of the aisle are saying we do not want to debate, when the truth is they are denying us a right to vote on some of the key resolutions that define the nature of the debate in this Congress.

We want a debate. We want a debate, but we want it to be a fair debate. And we want it to be representative. We want to expand and extend the debate so we can fully examine and discuss what is at stake in this central front in the global war on terror. We want a full and comprehensive debate and an opportunity to vote. Do they?

If our friends on the other side of the aisle are serious when they say they do not want to block funding for our troops, then why are they dodging an amendment offered by Senator GREGG that would allow them a vote on that important issue?

Now, I disagree that we should ever cut off funds to support our troops while they are in a time of war. But I think if you feel what is happening in Iraq cannot be justified, if you feel we have already lost and we are merely sending more troops into harm's way, with no chance of accomplishing the mission, then I would say the only real vote that matters would be one that would cut off the funds to allow that to happen. That would be the moral decision to make. I simply disagree with the judgment. I do not believe all is lost. I do believe this new plan, this new commander, this new Secretary of Defense have a reasonable chance of success.

Now, we all agree the consequences of failure in Iraq are not simply something we can walk away from. The Iraq Study Group said that failure in Iraq could result in a regional conflict, most likely ethnic cleansing, where the sectarian violence would spiral out of control, perhaps bringing in other countries to defend the various sectarian parties to that conflict.

We know from sad experience what happened in Afghanistan after the Soviet Union was defeated by the Afghan rebels, where the Taliban and al-Qaida set up business in Afghanistan and used that as a place to train and recruit and then to launch terrorist attacks against the United States, such as what occurred on September 11, 2001.

Where is the plan of the critics of this new way forward in Iraq? What is their plan to avoid a failed state in Iraq? Where is their plan to avoid the kind of regional conflict and the humanitarian crisis that will most likely occur if, in fact, we do not try to support this new plan forward and bring stability to Iraq long enough to where the Iraqis—which is their responsibility—can engage in the reconciliation process and the political process necessary to stabilize that country, which is in their best interest, which is in our best interest? Because we know if things spiral out of control in Iraq, if we decide to precipitously leave Iraq and it becomes a failed state or becomes a killing field for ethnic cleansing, we will most likely have to return at even greater loss of blood and treasure.

So I would ask the new majority, since the Senator from Maryland mentioned the election of November 7, what is your plan? To criticize may be OK if you are in the minority. But if you are the majority, surely you have a responsibility to offer a constructive alternative. It is not constructive to merely criticize the new plan that is going to be executed by the new commander, unanimously confirmed by this Congress, and a new Secretary of Defense.

I must say, with all due respect, it is not supporting our troops to send them into harm's way if, in fact, our colleagues believe all is lost and they cannot succeed. I do not believe that. But if, in fact, they truly do believe that, then they should stand up and be willing to vote on the only resolution that would have an outcome on that determination. That is the Gregg amendment.

It is because we have been denied an opportunity to vote on that only amendment that counts that this debate continues. It was not cut off yesterday; merely a fair process was secured for those of us who think that all views ought to be represented and we ought to have more than one vote rather than be railroaded in this process.

Mr. President, I yield the floor.

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

Mr. THUNE. Mr. President, yesterday, by a vote of 49 to 47, a cloture motion failed that would have essentially cut off a broader debate on the big issue of the day; that is, how are we going to deal with the situation in Iraq? I think the vote failed not because, as was reported in some newspapers, Republicans did not want to debate the issue but, rather, because we want a full debate on the issue.

The importance of this issue and the stakes associated with its outcome warrant a full debate, not one restricted by one party in the Senate. The full range of views on this issue deserves to be heard. They deserve a voice in the Senate. The American people deserve that debate. And surely, the Americans in uniform who are fighting and dying deserve that debate in the Senate.

Saturday, I attended two welcome home ceremonies for National Guard units. Both performed superbly in fighting the global war on terror. The 114th Air Wing, a National Guard unit

in Sioux Falls, SD, has been deployed all over the planet. They have been in Afghanistan. They have been in Iraq—16 different places since 2001, after the terrorist attacks, in each case performing with distinction. They support an F–16 mission and have been utilized extensively. In fact, 72 percent, I believe, of all the members of that unit have been deployed someplace in the last 5 years, as we have been fighting this war on terror.

They and their families deserve a debate in the Senate about the future of that mission they have been undertaking. There has been a lot of debate around the country, a lot of debate in Washington about what to do next. We have now before us a plan which is a change of strategy. It incorporates more involvement by the Iraqi security forces in terms of their military. Also, their political structures, their Government has certain benchmarks it has to meet and economic requirements they have to comply with regarding the division, distribution of oil revenues—a whole range of things that have given us a new opportunity, a new opening to get this right with the situation in Iraq.

I believe the families of those who have served and sacrificed certainly deserve to have a full debate, not a restricted debate, in the Senate, a full debate where the full range of views, the full range of options that are held by the American people can be adequately voiced.

I also attended a welcoming home ceremony for the 147th Field Artillery, 1st Battalion, Charlie Battery, in Yankton, SD. This is a unit which has contributed mightily to the war on terror and suffered greatly. They have had four members of their unit who never came back, killed by IEDs: SGT Richard Schild, SGT Daniel Cuka, SGT Allen Kokesh, and SGT Greg Wagner—young Americans who will never be with their families again.

Also, they had a young sergeant in their unit who has suffered debilitating injuries, brain injuries that he continues to receive intensive medical treatment for and perhaps will never be the same. They had a young specialist, Brian Knigge from Plankinton, SD, who suffered injuries from which he is still recovering.

They are a unit that has suffered greatly in this war on terror. Yet there is a tremendous resilience and commitment and dedication to the mission. The area in which they were involved was the training of Iraqi security forces, specifically the Iraqi police, in the area of Baghdad, which is why it was so very dangerous for them. And the IEDs that have killed and seriously injured so many of our young American soldiers who are serving in that region did four of their comrades in. And as I said, a couple are very seriously injured.

They and their families who have sacrificed so greatly—and when I go to these events, I, obviously, have opportunities to interact with the families, with those whom these soldiers left behind. It is heartbreaking to see the separation, the consequence, and the cost of war. Yet at the same time, we have to realize when we get into a conflict like this, it is not just about what we are doing today, it is about securing a better, safer, more secure future for the next generation of Americans.

That is why this debate is so important. Many have argued what is happening today in the Middle East, in Iraq, is simply a regional conflict or a conflict between different sects within Iraq. But, frankly, we all know this—you do not have to be a rocket scientist to see what happens when these terrorist organizations are left free to prey in areas such as that, where there is not a lot of control and security. They begin to use these places as sanctuaries and safe havens to launch attacks against other places across the world, including the United States.

It is important, in this global war on terror, that we understand what the consequences and stakes of our failure are. I believe that is why, when we have a debate, we need to have a debate that reflects the full range of options and the full range of views that are available to the Senate when it comes to the future of Iraq—again, the discussion about consequences of failure, the discussion about plans going forward.

Right now we have a plan in front of us. We have a strategy that has been put forward by the President and his commanders in the region. We have a new commander on the ground, General Petraeus. We have some new troops heading into the area. There are changes in the rules of engagement. This may be our last best shot, our last best hope of being able to get this right.

We have engaged in this debate in the Senate which, again, in my view, sends entirely the wrong signal, the wrong message to our troops and to our enemies who interpret these messages that we send as a lack of resolve, a lack of will to finish what we started. More importantly, ultimately, the reason this has such great weight and gravity is that the people who are the primary receivers of the messages we send are the troops in the field. It is very difficult to say to those troops who are day in and day out putting on the uniform of the United States, performing a mission that we have asked them to do, which we have pointed out has grave consequences not only for that immediate region but for the entire free world—if you look at the arc of extremism that branches from areas such as Afghanistan and al-Qaida to areas such as some of the terrorist organizations in Lebanon, in the Palestinian territories, all these terrorist organizations and attacks are orchestrated by organizations that want to kill and destroy Americans.

We have a responsibility in the debate to make sure that when we are putting young Americans in harm's way, we are allowing a debate to go forward that examines the full range of views, the full range of options that are available to the Senate. Frankly, the one that matters the most, in terms of the options we have as a nation and as the Senate, comes down to the issue of funding. Frankly, we don't have an opportunity in this debate to talk about the real tool the Senate has when it comes to this issue; that is, the issue of funding. We have nonbinding resolutions. Everybody wants to debate nonbinding resolutions. They are nonbinding, but they are not meaningless. They send a message that we are not supportive of the mission our troops are undertaking.

But if the Senate is serious about doing its work, and if there are well-meaning and thoughtful people on the other side of the aisle who want to have this debate, then we ought to get down to what real options, what the real tools are at the disposal of the Senate when it comes to having any kind of a role in what happens in the future of Iraq. That is the issue of funding.

The leadership on the other side has said: We are not going to allow you to have a debate that includes that option, that includes the other options proposed, some from the other side that have talked about troop caps, withdrawal timelines.

Ultimately, fundamentally, if the other side is serious, let's have a debate about funding because that is the tool the Congress has at its disposal. If that is not a part of the debate, we are not serious about this debate or the range of options that ought to be heard and voiced in the Senate.

I see I have other colleagues who want to speak on this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Would the Chair remind me when there is a minute remaining?

The ACTING PRESIDENT pro tempore. Yes.

Mr. KENNEDY. I thank the Chair.

Mr. President, last evening the Republicans said no to an honest debate about what is best for our troops in Iraq, our national security, and for the American people. Our men and women in uniform have done everything that we have asked them to do. They have served with dignity, honor, and valor. They have served in Iraq longer than American forces fought in World War II. It has been said by Republicans and Democrats: This doesn't cry for a military solution, it cries for a political solution and resolution. Still we have a President who is relying on sending an additional 20,000 to 38,000 troops more to what is effectively a civil war.

The cost in blood and treasure has been staggering. More than 3,000 Americans have been killed so far, including

64 from Massachusetts; more than 23,000 have been wounded. In my home community, SGT Alexander Fuller of Centerville, MA, was buried last week; Keith Callahan of Woburn, MA—Woburn, MA, that had a higher percentage of soldiers killed in Vietnam than any other community in our State. High school class after high school class after high school class joined the U.S. Marines. They were in the thick of the fighting with devastating losses. Keith Callahan, in his fourth trip to Iraq, was killed just 10 days ago. The services in that community took place last week.

Hundreds of thousands of Iraqis have been killed, and millions have fled their homes. We have spent hundreds of billions of dollars on the war already. Today the President is asking for hundreds of billions of dollars more. President Bush insists on his policy of escalation, while most of us in Congress are increasingly convinced that deescalation is the only realistic strategy. The American people do not support further escalation of this war. The legislation on which we seek an honest debate is intended to make a record of who is on the side of the American people and opposes sending tens of thousands more American troops into this civil war.

Despite the clear result of the November election, our Republican colleagues are not prepared to face the truth on Iraq. They are determined to avoid a debate on the most important national security issue of our time. They are willing to allow tens of thousands of more young men and women to be dropped in the cauldron of a civil war.

The cost in precious American lives is reason enough to end this mistaken and misguided war, but the cost at home came into full view yesterday as we received the President's budget. This President's budget devotes more than $200 billion to the war in Iraq. Where does the money come from? It comes from the Children's Health Insurance Program, as the President's budget underfunds the CHIP program by $8 billion. That program provides health care to low-income children. It has had bipartisan support in the Senate and the House of Representatives. It has made an extraordinary difference to the quality of health of millions of children. There are millions of children who are qualified for this program. But because the Federal Government doesn't provide the help to the States, those children are not going to get covered.

Make no mistake about it. We are taking those resources that ought to be devoted to the CHIP program and sending them to Iraq. It comes from our children's education, the No Child Left Behind Act, because this budget underfunds the No Child Left Behind reforms by almost $15 billion. What are we saying? We are not going to get the well-trained teachers that this legislation requires. We are not going to have the adequacy of supplementary services to help those children in high school. We are not going to move toward smaller class sizes. We are not going to have an effective program to bring in parents. We are not going to have the examination of these children to find out what they need in terms of help in their classes. No, because we are shipping billions of dollars to Iraq.

Twenty-three thousand children are in the streets of Philadelphia today, having dropped out of school; 22,000 children have dropped out of school in Cleveland, OH. It is happening all over the country. And what are we doing? Sending away billions and billions of dollars that ought to be there for prevention programs to stop those children from dropping out of school, to help those children get back into school so they will have useful and productive lives. They are the ones who are paying for these wars.

As to seniors, our disabled citizens, the President cut $66 billion from the Medicaid Program which is a lifeline to millions of retirees and disabled children. I was there when President Johnson said: You work hard, you pay into the Medicare Program, pay into those programs, and we guarantee you that you are going to have the health care you need for the rest of your life. That is a commitment that we made. Now we are skimping on it. We didn't provide at that time a prescription drug program. We provided one eventually that served more for the drug industry and the HMOs than it did for the senior citizens. We are cutting back on health care for our seniors and the disabled.

It comes from our workers who are looking for good jobs to support their families because the President's budget slashes $1 billion from programs that train Americans for jobs for the future. How many speeches will we hear about competitiveness and the problems we are facing in terms of the world economy, how we are going to have to redouble our efforts in order to be competitive, to have the new industries that will provide new jobs and new benefits and new opportunities for our citizens. Every Member of this body will be making that speech someplace in their State next week. We know that. What are we doing?

In my State of Massachusetts, we have 275,000 people who are unemployed, and we have 78,000 job vacancies. The only thing that is lacking is training. We have 24 applications for every opening for training. People want the training to get the skills to participate and take care of their families. What does this President do? He cuts that program. That is part of the cost.

People are asking back home—down in New Bedford and Fall River and Lowell and Lawrence and Holyoke and Springfield—who is going to stand up for us? It is not only the loss of their sons and daughters from those communities, but they see that it is gutting the lifelines to their communities, the children and the elderly, those who are the most vulnerable in our society. They are paying the price. Read the President's budget. Make no mistake about it. Who is paying the price? They are paying the price, the neediest people in our society.

Then it comes from the poor who are struggling against the bitter cold. It cuts 17 percent of the funding for the Low Income Energy Assistance Program that helps low-income families heat their homes. Maybe it is warm in certain parts of this country, but it is cold as can be in many others. There are a lot of needy people in those cold areas where there is a completely inadequate fuel assistance program now. This administration has cut back on that program year after year after year, and this year is no different, a 17-percent reduction.

Most of the elderly people, the needy people in my State, need to have their oil tanks, if they are using home heating oil, filled three times a year. This won't even let them get one tank of fuel assistance in their homes over the year. The poor are paying a fearsome price. They are seeing their funding diverted to these conflicts and the surge in Iraq.

This is a war that never should have happened. It is a war that should be brought to an end. Yet the administration is allowing it to go on and on, mistake after mistake after mistake. This terrible war is having an effect not only on our troops, who are paying the highest price, but on our children, our elderly, our schools, our workers, and the poorest of the poor here at home. Make no mistake about it. While the President forges ahead with a surge in Iraq, the American people need a surge at home. Americans see the cost of their health care and the cost of college going up. What about a surge in our health and education policy to help meet their needs? What about a surge in those areas?

I have introduced legislation which would require the President to get the authority he needs from Congress before moving forward with further escalation in Iraq. I intend to seek a vote on it, unless the President changes course. The debate is about what is best for our troops and our national security. Our forces have served with great valor. They have done everything they have been asked to do. Sending more of them into a civil war will not make success any more likely. We have a responsibility to vote on this issue before it is too late. The American people deserve to know where the Republicans stand and where the representatives in the Congress stand.

I look forward to that debate and a vote at the earliest possible time.

I yield the floor.

ORDER OF PROCEDURE

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

Mr. DEMINT. Mr. President, how much time does the minority have?

The ACTING PRESIDENT pro tempore. The minority has 8½ minutes.

Mr. DEMINT. I ask unanimous consent that the Senator from Colorado be able to speak for 10 minutes following my remarks and the remarks of Senator COBURN.

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

WORLDWIDE WAR ON TERROR

Mr. DEMINT. Mr. President, I rise to speak about one of the most important issues of our time: the worldwide war on terror.

I have to say I was disappointed to read in this morning's Roll Call that many of my Democratic colleagues are using this debate for the 2008 elections rather than focusing on the real damage that the resolution we have been discussing will do to our national security.

One of our greatest Presidents, Theodore Roosevelt, once said, ''It is not the critic who counts. The credit,'' he said, ''belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs, who comes short again and again, because there is no effort without error and shortcoming.

''The credit,'' Roosevelt said, belongs to the man ''who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly.''

At this very moment, our Commander in Chief and those he commands are daring greatly.

Our men and women in uniform are paying with blood, sweat, and tears. Yet many in this body prefer to sit in the stands and offer criticism rather than support.

For the past 50 years, the Middle East has been a cauldron of brutality, war, and despair. The region's instability has threatened the entire globe and reached our shores on 9/11 with a stark awakening.

This is why we are involved in the Middle East. The future security of our homeland is tied directly to a successful outcome not only in Iraq but in Afghanistan, Lebanon, the Palestinian territory, and a number of Middle East countries that harbor evil men who foment hate through a perverted version of Islam.

Yet as our efforts in Iraq encounter fierce resistance from a determined and evil enemy, support for our efforts has waned here in Congress. Instead, many of my colleagues prefer to support a nonbinding resolution that would express disapproval of the President's plan to reinforce our troops in Iraq.

Voting for this resolution is not leadership, it is criticism—criticism without the courage of offering real solutions. While this resolution may be toothless by force of law, its symbolism is dangerous. Voting to condemn the President's plan is a vote of no confidence in the mission we have told our troops to fight and die for. But it is also a slap in the face to General Petraeus just days after we voted unanimously to support his leadership of our troops in Iraq.

''Godspeed, General,'' was what one of my colleagues said before introducing the very resolution that would undermine the general's authority and his plan for victory.

This is not leadership. We were elected to make tough decisions and that requires understanding our choices, selecting the best choice, and then following through. But I am afraid the critics in this body do not acknowledge the real choices before us. There are only three:

First, to continue the unworkable status quo; second, to admit defeat and withdraw; third, to renew our strength until we win.

I respect my colleagues who disagree with the President's strategy in Iraq, but only if they exercise leadership and support an alternative solution, one that proposes a serious path to victory, or announces defeat and ends our involvement immediately, not only in Iraq but throughout the Middle East, because America will no longer have any credibility to carry out our work in any part of the world.

If my colleagues do not support sending reinforcements to Iraq, they should introduce legislation blocking that action. While I believe this is shortsighted and wrong, it would at least be genuine leadership.

My hope is we will stop trying to second guess past decisions in order to lay blame and instead remember we are locked in a struggle much larger than Iraq. It is a struggle of security, hope, and freedom versus hate, despair, and fear. The battlefield is the entire world.

We must understand the stakes and demonstrate real leadership. This is not the President's war, it is freedom's war, and we all share the responsibility for the outcome.

A century later, Teddy Roosevelt is still correct. The critic ''who points out how the strong man stumbles, or where the doer of deeds could have done them better'' is destined to be relegated to that terrible place ''with those cold and timid souls who neither know victory nor defeat.''

There is only one policy worthy of the blood and sweat of our troops: a policy that completes our mission with dignity, honor, and victory.

Mr. President, I reserve the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have not come to the floor, except once, in the 2 years I have been here to discuss the war in Iraq. I have been to Iraq and had experience in Iraq as a medical missionary during the first gulf war.

I am very much concerned as to how the world will read us. What we know is that enemies try to defeat us not by trying to defeat us on the battlefield or in Iraq; they try to defeat our will, try to defeat the will of the American public.

Senator DEMINT talked about leadership. Leadership is laying out the real consequences of our action. What are those consequences? What next? What is going to happen next? What is going to happen? We heard this morning that we are trying to delay this resolution. We are not trying to delay it. As a matter of fact, they are saying we would not debate it. We are debating it right now. The fact is, we believe you ought to have a resolution that says we support our troops in this group of resolutions. Unless we get some semblance of saying we want to send a signal to our troops that we support them, we should not have a rule that precludes that.

So politics aside, and the next election aside, and the Presidential election aside, what does it mean to the American people about what we end up doing in Iraq? That is the question we should be asking. We should be making sure that the mistake we do not make is to have an ill-informed American public about what the consequences will be.

Regardless of whether we should be in Iraq, we are there. We cannot change that. The question comes, what does the Iraq Study Group say? They said we needed to secure Baghdad; they said we needed reinforcements to be able to do that; they said we needed more funds to make a difference in people's lives. These are the funds that go to the generals to actually approve things.

Can we accomplish something in Iraq or do we walk away? Here is what happens when we walk away. No. 1, there will be a genocide in Iraq. The minority Sunni population will scatter out of Iraq, and those who don't will be killed.

The northern Iraqis, the Kurds—what will happen to them? If we are gone and full-blown civil war breaks out, what will happen to the Kurds? This is a group of 36 million people who have not had a homeland since the Ottoman Empire. Genocide was committed against them by Saddam. What will happen to them? They will be seen as a risk to Turkey. Turkey already has problems with its Kurdish population.

What will happen in Lebanon? Probably civil war.

What will happen in Jordan?

What will happen to the Sunni gulf states, as they now fear Iran and its dominance?

This is a war Iran wants us to leave. Why? Because they want to empower themselves to be the dominant force in the Middle East. We can talk about all of the resolutions and how we disagree; that is basically political posturing, and you can disagree. But as the Senator from South Carolina said, unless

you put something into force of action, it is criticism, not leadership. We need to calculate whatever we do in this body, based on what the outcome of that calculation is going to be, not by giving bellicose speeches that set up false choices that are not there. The fact is we have an obligation to the very people—the innocent people—in Iraq today.

We can walk away from that, but history will judge us harshly. The estimates are there will be 5 million people displaced out of Iraq. There will be between 700,000 and 1 million additional Iraqis who will die. Do we not have an obligation to make that not happen? Do we not have an obligation to do what is in the best long-term interests of this country? Is it in our best interest for this country to get out of Iraq? Is it? How does that fit with the war on terror and our ability to conduct that war when we create in Iraq, by withdrawing, a new state that is run by al-Qaida and by the Shia, which will in fact have the funding to dominate in the international arena with terrorism and hatefulness and murder and pillaging of innocent people?

It is not as simple as everybody here wants to make it seem. It certainly should not be political. But that is where we are going. The very comment that we cannot have a debate on supporting the policy, that we will not allow a resolution that says we are going to support our troops—why don't they want that? It is because that will get the highest number of votes. That will become the story—not the story that somebody postured in a position that is well-intended and well-meaning, that they don't think a surge or a reinforcement in Iraq is correct.

America is at a crossroads. The crossroads is whether we will fulfill and carry out the responsibilities, some of which we added to ourselves by our very position, but whether we will fulfill that. We will be judged by history.

To undermine many of the steps that the Iraq Study Group said, which is in the President's plan, nobody knows if this will work, but I guarantee it will not work if we send a signal to those who oppose us that this is it. All they do is sit and wait. More of Iran's influence and more dollars from Iran coming into Iraq—more to defeat us. If you defeat the will of the American people—and, by doing that, that is our problem—if we allow that to happen as leaders in this country, then we will be responsible for that 5 million displacement, for those million deaths, and the millions that will follow when you have a Middle East dominated by Iran with a nuclear weapon.

We should think long and hard. The American people should not respond just to the urge to get out of Iraq but respond to the well-thought-out consequences of what happens next. And what happens next is a disaster, not only for the people of Iraq, for the people of the Middle East, but also for the national security of this country and our ability to carry out our foreign policy in the future.

I earnestly pray that we will consider the actions here and the words here in light of what comes next, not in terms of politics but what happens to our country.

Denying the heritage we have of sacrifice for freedom and liberty and denying that it costs something and walking away from that, we will reap that which we sow as we walk away from it. Caution to us as we do that.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. shall be divided between the majority and the minority.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, this is a disappointing day for the Senate and for the United States of America because the debate we should be having on this floor, which is taking place around procedural issues, should really be a debate about what is happening in Iraq and the new direction we should be heading in Iraq.

It is disappointing as well that it has been postured somehow as a political debate from the other side. The fact is that what happens in Iraq today and what happens in Iraq in the months and years ahead is, in fact, perhaps the most important issue we can face in the United States of America and in the world, and it is important that this body, elected by 300 million Americans in each of our respective States, grapple with the fundamental defining issue of our time.

It is also important, as we grapple with this issue of the future of Iraq and the involvement of the United States, that we try to move forward in a manner that is bipartisan. At the end of the day, the only way in which we are going to achieve stability in the Middle East and we are going to bring our troops home—which I believe is a goal that is shared by the 100 Members of this body—is if we develop a bipartisan approach to getting it done. Yet, at the end of the day, we can't even seem to get beyond a procedural obstacle to get to a debate on the central issue that was presented by a bipartisan resolution, led by some of the most distinguished Members of this Senate, including Senator WARNER, Senator LEVIN, and others. We cannot even get past the procedural problem for us to end up having a discussion and a vote on that very simple issue.

I ask our brethren on the other side that they join us in getting through this procedural roadblock so that we can have an effective debate and a vote on a question that is before us concerning the future of Iraq and the President's plan on how we move forward.

I am disappointed as one Senator that today we are not on this floor debating the alternative resolutions that were submitted in the last week, which are bipartisan in nature, and then deciding how to move forward as a Senate. I am very disappointed that we have not been able to get there.

Let me also say that for those who have said the political posturing is taking place on this side, I don't believe that is at all the case. The fact is, what we have been trying to do on this side is to have an open and honest debate, and again underscoring the reality that if we are going to find our way out of the quagmire in which we find ourselves in Iraq, it is going to take a true bipartisan effort to get us to a place where we can say we have peace and stability in the Middle East and we have brought our troops home. I hope as we move forward in this discussion that we will be able to find some of that bipartisan consensus.

At the end of the day, when we look at what is happening in Iraq, we need to recognize the realities. We need to know and remember the 3,100 men and women who have given their lives on behalf of the mission the President assigned to them in that country. We need to remember the 23,000 men and women in uniform who today are wounded and who are carrying the scars of the war with them day by day and for many of them for the rest of their lives. We need to remember the 137,000 men and women who are on the ground in Iraq today. The bipartisan resolution we put forward with Senator WARNER, Senator NELSON, Senator COLLINS, and others recognizes that. We recognize the bravery of the men and women who have given so much of their time and their life in Iraq, and we recognize the need for us to support our men and women on the ground in Iraq.

But we also recognize that what the American people are asking us to do is to chart a new direction for Iraq. I have heard some of my colleagues on the other side—as there is criticism on this side—that all we are doing is being critical and not offering alternatives. The fact is that we are attempting to come up with a new direction in Iraq, and that is what is embodied in the Warner-Levin resolution. It is, in fact, a new direction and new strategy in Iraq.

Mr. President, I ask the Members of this body and I ask the people of the United States of America to consider what are the options before us. In my view, there are three options. There is plan A. Plan A is a plan—which was put forth by the President after several months of deliberation in which he concluded what we had to do in order to be successful in Iraq—to send 21,500 additional troops. In real terms, that is about 48,000 additional troops assigned, mostly in Baghdad. Some people have called it an escalation. Some people have called it a surge. That is the heart of the plan. It is a plan he announced in early January, a plan he reiterated at the State of the Union, that we assign 21,500 troops to Baghdad.

The question we all ought to be asking ourselves is whether that will work. Will plan A work? I believe those who have studied the issue in great depth would answer the question no—no, it will not work; no, it will not work because Operation Going Forward in June of 2006, just 7 months ago, showed that it does not work. And when that didn't work, we went in with a surge of some 7,000 troops in August in Operation Going Forward Together No. 2, and again that did not work. If today we go in with 21,500 additional troops, plus all the support for the troops that is going to be necessary, what is going to be the result of that endeavor? In my view, we have been there, we have done that, and it hasn't worked. So we have to look forward to a new direction. So I believe plan A, the President's plan, is not a plan that is going to work.

Then there is plan B. Plan B is being advocated by many, including some who have demonstrated in Washington and have called our offices every day, and that is to just bring our troops home today; it is over; it is a precipitous withdrawal; let's get out of there and get out of there right now. The mistakes of the past have compounded the problems in the Middle East and Iraq to the point that we can't put Humpty Dumpty together. Not all the king's men or all the king's horses could ever put Humpty Dumpty together again, some people would say, because the problems in Iraq today are so severe.

I, as one Senator, reject plan B as well. I don't believe we can afford to move forward with that kind of precipitous withdrawal.

There is plan C, and plan C is really the plan of trying to move forward in a bipartisan way so that we can achieve success in Iraq—success, again, being defined by stability in Iraq and in the region and by bringing our troops home.

I know there are lots of people in this body who have much more experience than I, and I know there are lots of people who have studied this issue extensively over a very long period of time, and yet it is amazing to me that when we have a group of people in a bipartisan way coming forward with a new direction, we have the President and others of the minority party essentially rejecting that plan of going forward together in a new direction.

When I look at the Iraq study report and I look at names such as former Secretary of State James Baker, former Attorney General Ed Meese, former Secretary of State Lawrence Eagleburger, former U.S. Supreme Court Justice Sandra Day O'Connor, former U.S. Senator Alan Simpson, I see all of these Republicans who are saying we need a new direction going forward together. I believe that is what we ought to be doing, and I believe that new direction going forward together is what is embodied in the bipartisan resolution which was put together by Senator WARNER, Senator LEVIN, and others. It is that kind of new direction which we ought to be debating and discussing on the floor of the Senate today.

When one looks at this group of elder statesmen, which includes not only the Republicans whose names I mentioned, but they include esteemed elder statesmen who are also Democrats, such as Lee Hamilton, Vernon Jordan, Leon Panetta, William Perry, and Charles Robb, when we see those kinds of elder statesmen who have taken a year to try to figure out how we deal with this quagmire in Iraq, we have to say those recommendations should be paid very serious attention. The recommendations are many, but they are important because they show the depth of thinking that commission went through in coming up with those recommendations.

In essence, what that bipartisan group of elder statesmen said to the people of America is that the way forward requires a new approach. The way forward requires a new approach. They talk about the external approach, which is to build an international consensus on how we move forward in Iraq. They talk about a new diplomatic offensive which is important if we are to succeed because there are too many nations in that part of the world and around the world who have been sitting on their hands letting America do it alone. They have to stop sitting on their hands if ultimately we are going to achieve stability in the Middle East.

They talk about the Iraq International Support Group, and that kind of a group would be a group that would make sure the efforts on reconstruction and building the peace and security in Iraq are, in fact, successful. Where is that group? It hasn't been there. It has been the United States alone moving forward on this effort. We need to have the international community involved.

It talks about dealing with Iran and dealing with Syria. They are part of that region, like it or not. This group of elder statesmen has said we need to deal with those countries. We know the limitations. We know the threats they also embody and present to the United States of America, but we need to bring them into the dialog if ultimately we are going to bring stability to that region.

The study group goes on with a whole host of other recommendations on the internal approach, helping the Iraqis help themselves. It says that we must require the Iraqis to have performance on milestones, that we need to push them hard on national reconciliation, that we need to make sure the Iraqi Government takes responsibility for security and for their military forces, that they establish a functioning police force, and that they establish a criminal justice system that does, in fact, work. And the list goes on with 79 recommendations on the way forward, a new approach.

That is what we ought to be talking about, Mr. President, on the floor of the Senate today—how we move forward.

I look at this resolution which was put together by some of my esteemed colleagues, of which I am a proud original cosponsor, and I say at least we have tried on a bipartisan basis to figure out a roadmap for how we ought to move forward together as Democrats and Republicans, as Americans, on this issue, which is the defining issue of our times. I see the names of people such as Senator WARNER, I see Senator COLLINS, I see Senator LEVIN, I see Senator NELSON of Nebraska, and others who have been involved in this effort. What we are trying to do as a group is to say we ought to figure out a way of charting a new direction forward together, much like the elder statesmen did in coming up with the Iraq Study Group recommendations. Yet we are being refused the opportunity to even engage in a debate on a resolution that essentially says this is a direction we propose to the President in how we move forward together.

I hope that at the end of the day, with the discussions that are going on between the leadership, we are able to come to some agreement. I believe there is too much at stake. I believe there is too much at stake not only in the Middle East, but there is too much at stake for the United States of America and for the free world. At the end of the day, it is going to take Republicans and Democrats working together to try to chart this new and successful direction for how we move forward in Iraq.

Mr. President, I yield the floor.

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

Mr. DORGAN. Mr. President, my understanding is that I will be recognized for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that all time consumed in any quorum call today be equally divided.

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

Mr. DORGAN. Mr. President, my colleague, Senator FEINSTEIN of California, this weekend made a point that I think is very important. She, on a television program, said that Iraq is being debated virtually everywhere in our country: debated at kitchen tables, business places, workplaces, and schools. The only place in America that Iraq is not being debated is in the Senate. Here we are debating whether we should debate.

That was what went on yesterday, and it is what is going on today, a debate about whether the debate on Iraq should occur in the Senate. It is unbelievable. We have a cloture vote on a motion to proceed to the debate, and the minority party in the Senate voted nearly unanimously to say, no, we shouldn't be debating. I don't understand that at all, Mr. President.

Why would we not want to engage in this national discussion about what is happening in Iraq; what are our obligations, and what are our national interests with respect to these issues? This is not a war against terrorists in the main. It is sectarian violence that is occurring in Iraq. Yes, there are some terrorists in Iraq, I understand that, but it is largely sectarian violence, Shia on Sunni, Sunni on Shia.

Let me make a point about Iraq that I think is important. The dictator who used to exist in Iraq no longer exists. Yes, he was a madman and a dictator. We have unearthed mass graves in Iraq to show that nearly a half million people were murdered by the man who ran that country. But he has been executed, and the people of Iraq have had the opportunity to vote for a new constitution.

The people of Iraq have had the opportunity to vote for a new government. Things have changed in Iraq. We now have in Iraq what is largely a civil war, sectarian violence. Things have changed.

What is the role, then—given that Saddam Hussein has been executed, given that there is a new constitution, given that there is a new government—what is the role for the United States and its soldiers? Is the role to continue to be in the middle of a civil war in Iraq, to surge additional troops, as the President suggests? That is what was to be debated this week in the Senate. But at this point we still cannot debate that because we are debating whether we will be able to debate it. It is unbelievable to me. Only here on this small piece of real estate, one of the wonderful places on this Earth, the United States Senate, do we have a serious debate about whether we should debate.

We should have moved very quickly past this issue of a motion to proceed and been to the substance of this issue on behalf of this great country of ours. There is a majority in this Congress for a bipartisan resolution. And I emphasize bipartisan resolution. Senator WARNER, a very distinguished American, a Republican, and former chairman of the Armed Services Committee, and Senator LEVIN, a Democrat, the same. Warner-Levin. When we get to a vote on the Warner-Levin resolution, which disapproves of surging additional American troops to Iraq and deepening our involvement in Iraq, a majority of the Senate will support that resolution. There is a clear majority for that resolution. The question is, Can we get to that point?

I hope in the coming hours that the minority will relent and give us the opportunity, the opportunity the American people would expect to exist in the United States to debate one of the most important questions of our time. This is about obstruction and it is about political maneuvering and about protecting the White House. It is about a lot of things, unfortunately. It ought to be about this country's national interest, this country's best interest. It ought to be about the soldiers we have asked to don America's uniforms and go fight for this country and what is best for them as well.

Two months ago, General Abizaid said this in open testimony in the Senate:

> I met with every divisional commander. I said, in your professional opinion, if we were to bring in more American troops now—he is talking about Iraq—does it add considerably to our ability to achieve success in Iraq? And they all said no.

That is what the commanding general said 2 months ago in testimony before the Senate. Why did they all say no? Here is what General Abizaid said the reason is:

> We want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do more. I believe more forces prevents the Iraqis from doing more and taking responsibility for their own future.

Finally, Mr. President, a week ago, the head of our intelligence services came to the Senate and testified in open public hearings. Here is what he said:

> Al-Qaeda is a terrorist organization that poses the greatest threat to U.S. interests, including the homeland.

That is from the top intelligence chief of our country. Here is what he said:

> Al-Qaeda continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. They continue to maintain active connections and relationships radiating outward from their leaders' secure hideout in Pakistan.

Let me say that again. Our top intelligence person says that al-Qaida is the greatest terrorist threat to our country; that they direct their operations from a secure hideout in Pakistan.

Mr. President, a question: If al-Qaida is the greatest terrorist threat to America, and our intelligence chief says it is directed from their secure hideout in Pakistan, and we know that Osama bin Laden continues to talk to us in his missives that they send out; if we have 21,000 additional soldiers to surge anywhere, why on Earth would we not use those 21,000 soldiers to eliminate the greatest terrorist threat to our country, which would be to eliminate the leadership of al-Qaida?

No, that is not what the President recommends. He recommends we send 21,000 additional soldiers into the neighborhoods of Baghdad where sectarian violence is occurring in massive quantities and a civil war exists. With all due respect, and I do respect the President, he is wrong, and I believe the majority of this Senate would say he is wrong by voting for the Warner-Levin resolution.

In a Byzantine twist, however, on this Tuesday morning, we find ourselves debating the question of whether we should debate one of the central questions of our time.

That is unworthy of the Senate. What is worthy of this Senate, and I am proud to be a part of it what is worthy of us is to have on the floor of the United States Senate the great questions before this country, the questions the American people ask this morning and discuss this morning all across this country: What is our role here? What is happening here? How have things changed in Iraq? What is the greatest threat to our country? How do we deal with that threat? What about Mr. Negroponte pointing out that the greatest terrorist threat is al-Qaida? What about the fact he says they are in a secure hideaway in Pakistan? What about the fact that no one has done anything about it? What about the fact that if 21,000 soldiers are available to be surged, that the President says let's send them to Baghdad, in the middle of a civil war in Iraq, rather than going to Pakistan after the leadership of the greatest terrorist threat to this country, according to our intelligence chief?

I simply do not understand this logic. There is a lot to be said about these issues. All of us in this Chamber want the same thing for our country. All of us love this country. All of us respect our soldiers and will do everything to make sure we support them. All of us want this country to do well and to make the right decisions. In the last 5 years, however, we have been involved in a war that has lasted longer than the Second World War. We have been in a war that has cost us far too many lives and too much of America's treasure. We have been put in a situation in which there has been dramatic change. Yet the policy has not changed. This is not the circumstance for which we went to war in Iraq. All of that intelligence, it turns out, was wrong.

Colonel Wilkerson, who served as Secretary of State Colin Powell's aide for 17 years and was present when the information was compiled that led to the presentation at the United Nations, testified before the Senate, and he said publicly that it was the perpetration of a hoax on the American people. That is not me speaking. That is someone who had a distinguished record and who served 17 years with Colin Powell. He was a Republican and proud of his service to this country, but he said all of the intelligence that was basketed together and presented was the perpetration of a hoax on the American people.

Whatever happened, happened. We went to Iraq. Saddam Hussein has now been executed. Iraq has a new constitution and a government. It is time, long past time for this country to say this to the country of Iraq: Saddam Hussein is gone. You have a new constitution. You have a new government. The question is this: Do you have the will to provide for your own security? Because if you don't, no one in the world can do it for you. Do you have the will to take your country back? This is your country, not ours. This country belongs to you, not us. Do you have the will to provide the security for a free Iraq? Because if you do not, I say to the people of Iraq, American soldiers cannot, for any indefinite period, provide order and

security in Iraq for you. You have to make that judgment, and you have to understand that it is your responsibility to provide security in Iraq.

This is not a circumstance where we are trying to embarrass anybody. We are not trying to say to the President: You have an awful situation you have created, shame on you. That is not what this debate is about. All of us understand that things have changed. This debate is about what do we do at this point. Do we agree with the President that we should send 21,000 more American troops into Baghdad and surge and deepen America's involvement in this war?

Quite clearly, if we are allowed to get to this debate and have a vote on Warner-Levin, a bipartisan resolution, this Senate will say, no, we believe it is the wrong thing, and that will be the first step in beginning to change policy. It will say to the President, we believe you must change the policy, and then use our energies and our efforts to go after the leadership of al-Qaida. They are the ones who murdered Americans on 9/11, and they still exist in secure hideaways, according to our intelligence chief. Let's deal with the greatest terrorist threat to this country, according to Mr. Negroponte, the head of American intelligence. The greatest threat to our country. They exist. They live today, he says, in Pakistan. Let's deal with those issues.

As I indicated earlier, all of us want the same thing for our country. This is not about politics. It cannot be about politics. It is about policy and what works for America's future, what strengthens our country, what keeps our promise to our soldiers, and what keeps our commitment to ourselves as one of the great symbols of freedom in the world. That is why I hope we will get past this issue that has now impaled this Senate, a debate about whether we should debate. The answer clearly ought to be, yes, we ought to get to the debate that is significant and important to the future of this great country of ours.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, for the last few weeks, a bipartisan group of Senators has worked to bring to the floor a resolution expressing opposition to the President's proposal to increase American troops in Iraq. In an effort to have an honest, thoughtful, and productive debate, they put aside their differences, only to be run over by partisan politics. I support the bipartisan resolution opposing the escalation. I support an honest and open debate on a policy that clearly needs to change. But I do not support what I saw take place in this Chamber yesterday.

Our soldiers and their families have sacrificed too much to accept the political obstructionism that is keeping this body from having a debate on a most critical issue. Our troops have given so much, and they deserve much more than what they got from the U.S. Senate yesterday. The least we can do is to have this debate, and the best we can do is to get this policy right for our troops.

I would like to thank those who worked on this resolution: Senators LEVIN and WARNER and Senators BIDEN and HAGEL and others. Throughout their careers, they have shown how much they care for the men and women in uniform. In crafting these resolutions, they showed us that when principled individuals from opposing parties care strongly about an issue, politics doesn't always have to win out.

Unfortunately, some in this body still don't want to have a debate about Iraq. It is long past time to have this debate. The American people have called for it, our troops have earned it, and we should be big enough to have it.

Over 3,000 American soldiers are dead, more than 20,000 have been wounded in combat, over 2,000 have lost their limbs, and more than $350 billion of taxpayer money has gone to Iraq. Scores of Iraqis are killed every day in what has essentially devolved into a civil war.

All across my State, I have heard a strong and clear message from Minnesotans: Change the course in Iraq and push for the strategy and solutions that will bring our troops home. We need a surge in diplomacy, Mr. President, not a surge in troops. It is a message that was echoed all across this country from Montana to Minnesota, from Pennsylvania to Virginia. Unfortunately, there were those in this Chamber yesterday who did not listen to that message, who would prefer no debate. This bipartisan resolution expresses the strong opposition of this body to the President's decision to stay the course and send an additional 21,000 American troops to Iraq. I strongly support this bipartisan resolution and implore my colleagues to allow this resolution its due course.

The people of Minnesota, like their fellow citizens around the country, recognize what is at stake in Iraq. Of the 22,000 troops involved in the surge, nearly 3,000 are from Minnesota. As I have traveled throughout our State, I have spoken with many families who have paid a personal price in this war, and I think of them often.

I think of Claremont Anderson from Hoffman, MN, who would drive hundreds of miles to attend public events in the last 2 years. I just saw him and his wife Nancy this weekend; they braved 7-degree below-zero wind chills to come to an event in Glenwood, MN. When I see Claremont, any time anyone even talks about the war, he starts to cry. That is because his son Stuart, an Army Reserve major, was killed in a helicopter crash in Iraq.

I think of Kathleen Wosika from St. Paul, MN. Just last month, her son, James Wosika, Jr., was killed while he was patrolling on foot in an area near Fallujah. He was a sergeant with the Army National Guard 1st Brigade, whose current duty will be extended under the President's escalation. Sergeant Wosika was the third member of his unit to die within a 6-month period. He was the seventh member of the brigade to be killed since their deployment last spring.

I also think of Becky Lourey of Kerrick, MN. That is near Duluth. She is a mother of 12 and a former State senator. Her son Matt was killed when the Army helicopter he was piloting went down north of Baghdad. I watched this Gold Star mother, a woman who has adopted eight children, comfort her grandchildren, hold her shaking husband, and stand tall for hours in a high school gym in Finlayson, MN, where hundreds of people came to gather for her son's memorial service.

Claremont Anderson, Kathleen Wosika, and Becky Lourey are parents whose children made the ultimate sacrifice in service to their country, and they are among the many Minnesotans who told me without apology they want to see a change of course in Iraq. They pray others will not have to experience their pain.

Although I opposed this war from the beginning, I recognized that many did support it. But 4 years later, we are now dealing with a dramatically different situation. What we know now about the events and facts leading up to this war has changed dramatically. The conditions inside Iraq have changed dramatically. Our role there has changed dramatically.

Last November, citizens in Minnesota and across the country voted for a new direction in Washington. Americans made clear at the ballot box they were tired of the politics-as-usual partisan bickering and that they wanted a meaningful and bipartisan change of course in Iraq. To the country's bewilderment, the President responded with a plan to escalate the number of American troops in Iraq. That is not the change in course the American people voted for. It is not the change in course the Iraq Study Group recommended. It is not the change in course Iraq needs to halt its civil war. It is not the change in course our military forces deserve.

Distinguished Senators from both sides of the aisle are seeking ways for this body to bring about the right kind of change. The bipartisan resolution proposes a strategy that recognizes the facts on the ground in Iraq. It incorporates many of the recommendations of the Iraq Study Group.

For years, we have heard from administration officials, from military

officials, and from the Iraqis themselves that there can be no military solution in Iraq. Stability can only be achieved through diplomatic and political solutions. This resolution calls on the administration to engage other nations in the region to create conditions for the compromises between Iraqi Shiites, Sunnis, and Kurds that will be necessary for peace. Furthermore, the resolution calls on the administration to apply pressures on the Iraqis themselves to stand up and take responsibility for their country. By following the recommendations of this resolution, the President would send a much stronger signal to the Iraqis that we are not going to be staying there indefinitely.

As of last Thanksgiving, this war has now lasted longer than World War II, and after nearly 4 years of intensive military involvement in Iraq, including more than 3,000 American deaths, we have to be focused on reducing our troop presence in Iraq instead of putting even more American service men and women in harm's way. Haven't we asked our men and women to sacrifice enough?

Recently, at the funeral for a fallen soldier, I heard a local priest say that our leaders have an obligation to do right by our children when we send them to war. He said that our children may be over 6 feet tall when we send them to war, but they are still our children. ''If the kids we are sending to Iraq are 6 feet tall,'' he said, ''then our leaders must be 8 feet tall.'' I would add that if these soldiers are willing to stand up and risk their lives for our country, then those of us in the Congress must be brave enough to stand up and ask the tough questions and push for the tough solutions.

Claremont Anderson, Kathleen Wosika, and Becky Lourey are standing tall. The parents I met with this weekend whose kids are supposed to be coming home this month but are now staying much longer, they are now doing everything to be brave and stand tall. The 400 members of the Air Minnesota National Guard whose deployment ceremony I attended Sunday, in Duluth, MN, they are standing tall. The teenage brother and sister who will see not only their dad but also their mom be deployed in the next 2 weeks, those two kids are standing tall. My friend Senator WEBB, who will speak with us momentarily and whose son is serving bravely, he is over there and he is not afraid. He is standing tall. The injured soldiers in the VA hospital in Minnesota recovering from traumatic brain injuries and in their wheelchairs with their strength and their spirit, they too are standing tall.

I would say to my friends across the aisle, by having an honest and open debate on this war and on this resolution, we in Congress can also and finally stand tall.

Our Constitution says that Congress should be a responsible check and balance on Presidential power. Congressional oversight for Iraq policy is long overdue. We have seen this bipartisan resolution and bipartisan work challenging the President's proposal for an escalation of American troop levels in Iraq. Even as Commander In Chief, our President does not enjoy unlimited power. On behalf of the public, Members of this body have a responsibility to exercise our own constitutional power in a fairminded, bipartisan way, to insist on accountability, and to demand a change of course. Ultimately, the best way to help our soldiers and their families is not only to give them the respect they deserve but also to get this policy right.

I hope that my friends across the aisle will see the merits of this resolution and the urgency of having an open and honest debate on this issue; our troops and their families deserve nothing less.

I thank the Chair.

Mr. President. I yield the floor.

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I thank my good friend, the Senator from Minnesota, for her kind remarks about the people who have served.

I emphasize my support for the resolution—actually, the resolutions—that were so painstakingly put together by a number of senior Senators from both sides of the aisle, only to be denied a full debate and an open vote through the procedural motions yesterday evening.

Winston Churchill once wrote about watching good ideas getting nibbled to death by ducks. Last night, we saw this phenomenon in action. We had before the Senate a measure that would allow this Congress to speak clearly of concerns regarding the woeful lack of leadership by the President on an issue that affects our Nation and our military people such as no other. And the other side—including some Senators who had helped to draft the resolutions and had their names on it—punted the ball down field rather than giving the people of this country the debate they not only need but are calling for in every opinion poll.

Quite simply, there is no way, other than through a strong resolution or restrictive language in an appropriations bill, for this Senate to communicate to this administration that its so-called new strategy is lacking in the most crucial elements that might actually lead to a solution in Iraq. This is not a strategy. It is a one-dimensional tactical adjustment that avoids the elements of a true overarching national strategy. It relies too heavily on our military, while ignoring the overwhelming advice of those with long experience in this region that we must pursue robust diplomacy in order to bring this misguided effort to a conclusion.

There have been allegations by those on the other side that we who take this position are not supporting the troops. I submit that the best way to support the troops would be for this administration to outline and pursue a comprehensive strategy that includes the diplomatic measures that will be essential to ending our involvement.

Mr. President, a reminder: During the Vietnam war our military killed more than a million enemy soldiers—enemy soldiers—by official count of the present Hanoi Government. Actually, that count is 1.4 million enemy soldiers. But without a clear strategy and without adept diplomacy, that simply was not enough. From the very beginning in Iraq, this administration has consciously neglected its proper diplomatic duties. It has attempted to frame the debate over Iraq's future as one of military action on the one hand and a set of vague guidelines to the Iraqi Government on the other, as if the rest of the region were somehow not crucial to the eventual outcome. This, in and of itself, is a recipe for continued violence and for American failure in Iraq.

It is widely known that the Iraqi Government lacks the power to control the myriad of factions that are causing chaos. The latest National Intelligence Estimate not only confirms this, it indicates that these factions have been broken into so many different components that it is not even fair to call this problem one of sectarian violence any longer. The administration knows this. Most of the administration's strongest supporters know this. Their reaction has been to increase the pressure on an impotent government and to go to the well, again and again, asking for even greater sacrifices from the military, while ignoring their most basic responsibility, which is to put together a clear diplomatic effort that will bring full context to the issues that face us and, in short order, end our involvement. This is not supporting the troops. This is misusing the troops.

With respect to the troops, I would caution any political leader who claims to speak on behalf of the political views of our men and women in uniform. Our military people are largely a mirror of our society, particularly in the enlisted ranks, and their political views are as diverse as our own.

As one example, last year, a survey of those in Iraq indicated that more than 70 percent believed that the United States should exit Iraq within a year. That was a year ago. As I have said before, it is inverted logic to claim we should continue to fight this war on behalf of the troops. The fact is, they are fighting this war on behalf of the political process. They deserve political leadership that is knowledgeable and that proceeds from an assumption that our national goals are equal to the sacrifices we are asking them to make.

For the last 5 years, from before this invasion, this administration and its supporters have refused to admit the most fundamental truth of the entire war. It is a truth that was echoed over and over again last month by expert

witnesses during more than a dozen hearings before the Foreign Relations Committee and the Committee on Armed Services, both of which I am privileged to serve upon. It is a truth that this administration and the architects of this war too often refuse to recognize, perhaps because they fear it might potentially embarrass them in the eyes of history.

The unavoidable truth is that this war will never be brought to a proper conclusion without the active participation of the other countries in the region—all of them.

We hear stories of the Saudis helping the Sunni insurgency. We are told by this administration Iran is equipping and training portions of the Shia militias. We hear Turkey and Iran are quietly cooperating to limit the influence of Kurds. We hear Syria is the favorite starting point for many al-Qaida guerillas who infiltrate into Al Anbar Province. We know the entire region is being flooded with refugees from the violence in Iraq, including, especially, Jordan and Syria.

None of this is surprising. Indeed, all of it was predictable and predicted, even before the invasion of Iraq. I recall many of the speeches by the Presiding Officer on those points. What is truly surprising and unsettling is that this administration has not developed an overt diplomatic effort to bring order out of this chaos in a way that might allow us to dramatically decrease our presence in Iraq and, at the same time, increase the stability of the region, increase our ability to fight terrorism, and allow us to address strategic challenges elsewhere in the world.

These countries have historic, political, and cultural ties to Iraq. They are going to be involved in Iraq's affairs in the future, long after the United States departs the region. It is in our national interests and, as a great nation, it is our obligation to take the lead in causing each of these countries to deal responsibly with Iraq's chaos and with its future. We did exactly this in 2001, after the invasion of Afghanistan, bringing the major players to the table, including India, Pakistan, and Iran, and we should do so now.

This approach would have additional benefits beyond Iraq. It would begin to loosen the unnatural alliance between Iran and Syria which could, in turn, increase the potential for greater stability in Lebanon, Israel, and the surrounding territories. It would begin to bring countries such as Iran to a proper role of responsibility inside the international community.

On this point, I cite an important historical reference. In 1971, China, similar to Iran today, was considered a rogue Nation. China, in those days, was already a nuclear power. It had an American war on its borders in Vietnam, a war it was actively assisting. We, the United States, took the initiative, aggressively opening China through diplomatic energy and, over time, helped to bring China into the international community. We should not be afraid of taking similar actions with Iran and also, by the way, with Syria.

The bottom line of all this is this administration and its supporters must understand the realities that are causing us as a Congress to finally say ''enough is enough;'' that the time has come for a new approach; that the answer in Iraq and to our fight against international terrorism and to our diminished posture around the world is for us to show not only our prowess on the battlefield but also our leadership in the diplomatic arena; that, indeed, we have an obligation to the men and women who have served so selflessly on our behalf, to match their proficiency and their loyalties with the kind of thoughtful leadership that will bring this effort to a proper conclusion.

If there were other ways to convince this administration to change its ineffective one-dimensional approach to the situation in Iraq, I would welcome them, but after 5 years of political disarray, I do not believe it is so. I support this resolution as a first step in reclaiming America's strategic purpose and international reputation. I urge my fellow Senators to do the same.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I came to the Senate to talk about the loss of a great soldier and dear friend of mine, but before I do that, I will comment on a few things we have heard discussed this morning.

First, our efforts on this side are to get an opportunity to debate and vote on the Gregg amendment. The Gregg amendment, very simply stated—I don't have the full text in front of me—supports our troops. It says we should support our troops and not cut off funding. That is a valid viewpoint. We are at war. Traditionally, this Senate has supported our troops. That used to be the absolute baseline which everyone accepted. The main resolution that has been referred to, I fear, goes in the wrong direction.

We, in time of war, ought to debate, and we will debate fully, and everyone will have an opportunity to express their views—but I think it is very important we not only have an opportunity to vote on the two resolutions which have been discussed but also to vote on the Gregg amendment. As soon as we can get agreement to do that, I am confident the leaders can move forward.

I have also heard in the Senate a number of comments from Members who do not support a cut-and-run policy. I have addressed previously the disaster of an immediate withdrawal from Iraq. In open testimony, the intelligence community—the Director of National Intelligence—the Director of CIA, the Director of Military Intelligence, said chaos would reign in Iraq if we withdrew precipitously. It would fall into chaos. The primary beneficiary of that chaos would be al-Qaida. Osama bin Laden and Al-Jazeera have said how important it was for them to establish Iraq as their main base of operations.

Second, there would be chaos and slaughter of innocent civilians, both Shia and Sunni. There would be a tremendous increase in the deaths of civilians. But even more frightening, the neighboring states would likely be brought in. The Sunni states would likely come to the aid of their Sunni brethren, and if that had not already triggered the entrance of Iran into it on behalf of the Shia, it surely would, and we could potentially be facing a major Middle East conflict with many states involved.

I have heard it said that the Levin-Warner resolution asks we chart a new direction. We have charted a new direction. And the way forward is a new direction. The President has the agreement of Prime Minister al-Maliki and the Shia, Sunni, and Kurdish government of Iraq that they will take control and they will assume responsibility. They need help in training particularly their police, but they will take control. That is where we need to be.

We can help pick off the al-Qaida and the other committed international terrorists, the radical Islamists. But we need them to resolve this civil strife between Shia and Sunni, and do so in a fair way, including the Kurds and the Sunnis.

This happens to be the military plan the Baker-Hamilton group supported. They said to enable the Iraqi security, military, and police to take over, we should send in some troops temporarily. That is what the President is doing, adding another 21,000 to support them.

Is this going to work? Well, again, with the release of the National Intelligence Estimate on Iraq and the open testimony of the leaders of the intelligence community, they said it is an open question. It is a tough decision. But it is the best option we have.

Yes, they think there is a chance it will work. And the Iraqi Government knows this is their last best chance. They had best make it work. And they best get their police trained and their military trained.

Many people have called for bringing in other nations in the Middle East. That is what the President and Secretary Rice have done, to bring in other nations that will help rebuild the Sunni areas and help provide support to the Iraqis.

There are some people who say we should not have an unlimited commitment. Well, the President has told not only this Nation but Prime Minister al-Maliki there is a time deadline. We are committed to them but not indefinitely. And if they do not take advantage of this opportunity, it will be their country which will fall into chaos

and be the battleground, perhaps embroiling the entire region, but certainly wiping out and causing great death and destruction in their own country. So we do have a new direction.

Now, some are pushing a resolution that challenges the President's implementation of the plan. We are trying to be generals and say General Petraeus—whom we just confirmed unanimously because he is such a great general, who said we should have those 21,000 troops—they are challenging his military judgment in the implementation of the plan.

I know many of my colleagues have followed military policy for many years, but I do not think we in this body can determine for the generals what the proper level of troop commitments is. They are the ones who take responsibility for the lives of their men and women. To send a message by adopting a resolution that says we oppose the President's plan, implementation of his plan, is not going to change sending more American troops there.

But it will tell al-Qaida: Good news, boys, the Congress is opposing the President. Our chances look better to take over the country.

And it will send a message to friendly countries that are trying to help the Iraqis telling them: Sorry guys, we are not interested in winning this, so you probably would not want to waste your effort helping us.

Finally, what does it send as a message to our troops: We do not support the military plan they are being asked to carry out, the men and women who are risking their lives? Does that make any sense? I fear not.

I hope we can reject very soundly the Levin-Warner amendment and adopt the Gregg amendment and also the McCain amendment.

REMEMBERING LIEUTENANT GENERAL CHARLES M. KIEFNER

Mr. BOND. Now, Mr. President, let me turn to another matter, a matter of sorrow. I tell this body that at a wonderful military ceremony last Saturday, we laid to rest LTG Charles M. Kiefner, formerly Adjutant General of the Missouri National Guard—a man who I considered a friend for almost 40 years, a man whose career was an amazing one.

I called on him to serve as my Adjutant General for the 8 years I served as Governor. Having come from the Guard, he was the youngest Adjutant General at the time, still by far the youngest Adjutant General in Missouri. But he knew the citizen soldiers who made up the Guard. He knew those citizen soldiers and respected them, and they respected him.

When I left office and Governor Ashcroft took over, he made him his Adjutant General for the next 8 years. He served 16 years. In that time, he not only built the Missouri National Guard to be one of the finest units—Air and Army National Guard—in America, but he was very strong in establishing a Guard presence on Capitol Hill.

It was at his urging that I went to my colleague, Wendell Ford of Kentucky, and we set up the National Guard Caucus, on which today Senator PAT LEAHY and I proudly serve as cochairmen. That caucus has brought together 75 to 80 Members of this body to stand up for the necessary resources, the necessary personnel, and the necessary support of the Guard when active forces in the Pentagon tend to overlook them.

The Guard is a better place today because of the leadership that General Kiefner showed as he headed the National Guard, the Adjutants General Association, as he worked with his colleagues throughout the country, and as he and those generals worked to make sure the Guard was strengthened.

The Guard remembers him with great fondness. Lieutenant General Vaughn of Missouri, who had served in the Guard under General Kiefner, presented the flag to his wonderful wife Marilyn, his sons John and Keith.

Charles M. Kiefner was born June 28, 1930, in Cape Girardeau, MO. He graduated from high school in 1948 and attended Westminster College in Fulton. He earned his bachelor of arts degree from Columbia College in 1975.

General M. Keifner, or Charlie to his friends—and I am lucky to have counted myself as one of his many—was a great man and a great American patriot. Under his strong leadership, including as the youngest Adjutant General, the men and women in the Missouri National Guard came to exemplify the best this country has to offer.

Having begun his military career by enlisting as a private in Company F, 140th Infantry Regiment of the Missouri Army National Guard on September 24, 1947, General Keifner entered active duty on September 11, 1950, with the 175th Military Police Battalion of Missouri Army National Guard and served in Germany with that unit. He was commissioned a second lieutenant, Infantry on December 21, 1951. He served as platoon leader, company commander, battalion motor officer, Battalion S–2, brigade adjutant and S–3, executive officer and logistics officer on the staff of the Adjutant General. As a member of the U.S. Army Reserve, from September 11, 1978, to November 5, 1980, he served as liaison officer to the U.S. Military Academy, West Point.

General Kiefner was first appointed Adjutant General by me on May 8, 1973, when I served as Missouri's Governor, and held the Adjutant General's position until March 1977, when I left the Governor's office. Upon my reelection in 1981, I once again called on this great leader and appointed General Kiefner to lead the Missouri National Guard. General Kiefner served as Adjutant General throughout my two terms as Missouri Governor. As a testament to his skill and great leadership, he was later called upon by Governor John Ashcroft to serve 8 more years in the Ashcroft administration.

General Kiefner not only served Missouri admirably, he also served his nation with honor. A friend who knew him for 35 years during his service in the Guard recalls:

> He was a professional soldier who made a point to know what was going on at every level of the Guard, from the enlisted soldiers to the three star Generals. He knew precisely what the threat to our homeland was and made great efforts to ensure the Guard was prepared to protect us from those threats.

Members of the Army National Guard knew and respected General Kiefner and called upon him to serve as president of the National Guard Association of the United States, a position he held proudly and worked diligently to enhance our Nation's modern-day minutemen's and women's ability to meet their dual-mission at home and abroad.

Upon his retirement from the National Guard in 1993, Major General Kiefner was promoted to the grade of lieutenant general, Missouri National Guard Retired List by Governor Mel Carnahan. ''At his own retirement he could not speak because he knew the overwhelming emotion he would feel at leaving the service he loved so dearly would overcome him,'' said one friend and colleague. ''He was an emotional man that was totally committed to his country, Missourians, and the men under his command.''

His many decorations and awards include: the Distinguished Service Medal, Legion of Merit with Oak Leaf Cluster, Meritorious Service Medal, Army Commendation Medal, Air Force Commendation Medal, Good Conduct Medal, Army Reserve Components Achievement Medal, Humanitarian Service Medal, Armed Forces Reserve Medal, Department of Defense Identification Badge, Ranger Tab, NGB Distinguished Service Medal, NGAUS Distinguished Service Medal, Missouri Meritorious Service Medal, Missouri Conspicuous Service Medal, Indiana Distinguished Service Medal, Minnesota Distinguished Service Medal, Tennessee Distinguished Service Medal, Minnesota Medal for Merit, 1992 Distinguished Alumni Award—Westminster College, Field Artillery Association Order of Saint Barbara, Army Engineers Association Silver Order of the de Fleury Medal, and the Sons of the American Revolution Silver Good Citizenship Award.

Charlie understood the great citizen soldiers who signed up for the Guard. When he gave them an order they knew he understood them and they were willing to follow.

I have lost a great friend, not just a former Adjutant General. There have been many fine individuals who have worn the uniform of our Nation's Army National Guard, but none more proudly than LTG Charles M. Kiefner.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. BOND. Mr. President, I ask unanimous consent that under the previous order the Senate stand in recess until the appointed hour.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senate will stand in recess until the appointed hour.

There being no objection, the Senate, at 12:22 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. MURRAY).

The PRESIDING OFFICER. The Senator from California is recognized.

ORDER OF PROCEDURE

Mrs. BOXER. Madam President, I ask unanimous consent that during the time controlled by the Democrats this afternoon, the following be recognized to speak for up to 10 minutes each, except where noted, and that each side alternate when appropriate: BOXER, MURRAY, DODD, 15 minutes; KERRY, 15 minutes; NELSON of Florida, REED, HARKIN, and WHITEHOUSE.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CALIFORNIA CASUALTIES FROM IRAQ AND AFGHANISTAN

Mrs. BOXER. Madam President, today I rise to pay tribute to 37 young Americans who have been killed in Iraq since November 17, 2006. This brings to 677 the number of soldiers who were either from California or based in California that have been killed while serving our country in Iraq. This represents 22 percent of all U.S. deaths in Iraq.

SFC Tung M. Nguyen, 38, died on November 14, in Baghdad, Iraq, of injuries sustained from small arms fire. Sergeant First Class Nguyen was assigned to B Company, 2nd Battalion, 3rd Special Forces Group, Fort Bragg, NC. He was from Tracy, CA.

LCpl Jeromy D. West, 20, died November 25, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal West was assigned to the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI. He was from Aguanga, CA.

Cpl Dustin J. Libby, 22, died December 6, while conducting combat operations in Al Anbar province, Iraq. Corporal Libby was assigned to the 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Micah S. Gifford, 27, died of injuries suffered when an improvised explosive device detonated near his unit while on patrol during combat operations in Baghdad, Iraq, on December 7. Specialist Gifford was assigned to the 3rd Battalion, 509th Infantry Regiment, Airborne, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from Redding, CA.

MAJ Megan M. McClung, 34, died December 6, while supporting combat operations in Al Anbar province, Iraq. Major McClung was assigned to I Marine Expeditionary Force Headquarters Group, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Nicholas P. Steinbacher, 22, died on December 10, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Steinbacher was assigned to B Company, 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from La Crescenta, CA.

LCpl Clinton J. Miller, 23, died December 11, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Miller was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

Cpl Matthew V. Dillon, 25, died December 11, while conducting combat operations in Al Anbar province, Iraq. Corporal Dillon was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

LCpl Budd M. Cote, 21, died December 11, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Cote was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

MSgt Brian P. McAnulty, 39, died December 11, when the CH–53 helicopter he was riding in crashed just after takeoff in Al Anbar province, Iraq. Master Sergeant McAnulty was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

CPT Kevin M. Kryst, 27, died December 18, from wounds received while conducting combat operations in Al Anbar province, Iraq. Captain Kryst was assigned to Marine Light-Attack Helicopter Squadron 267, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Nicklas J. Palmer, 19, died December 16, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Palmer was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Luke C. Yepsen, 20, died December 14, due to injuries suffered from enemy action in Al Anbar Province, Iraq. Lance Corporal Yepsen was assigned to the 1st Tank Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Cpl Joshua D. Pickard, 20, died December 19, while conducting combat operations in Al Anbar province, Iraq. Corporal Pickard was assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC. He was from Merced, CA.

LCpl Ryan L. Mayhan, 25, died December 21, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Mayhan was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Hawthorne, CA.

LCpl Ryan J. Burgess, 21, died December 21, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Burgess was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Hospitalman Kyle A. Nolen, 21, died December 21, in Al Anbar Province, Iraq, as a result of enemy action. Hospitalman Nolen was assigned to H Company, 3rd Battalion, 4th Marine Division, Regimental Combat Team 7, I Marine Expeditionary Force Forward, Twentynine Palms, CA.

LCpl Fernando S. Tamayo, 19, died December 21, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Tamayo was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Fontana, CA.

SPC Elias Elias, 27, died December 23, in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle while on patrol. Specialist Elias was assigned to the 3rd Squadron, 61st Cavalry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from Glendora, CA.

SPC Michael J. Crutchfield, 21, died December 23, in Balad, Iraq, of a noncombat related injury. Specialist Crutchfield was assigned to the 3rd Battalion, 4th Air Defense Artillery Regiment, Fort Bragg, NC. He was from Stockton, CA.

SGT Lawrance J. Carter, 25, died December 29, in Baghdad, Iraq, of wounds sustained when an improvised explosive device detonated near his vehicle during combat operations. Sergeant Carter was assigned to the 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Armored Division, Schweinfurt, Germany. He was from Rancho Cucamonga, CA.

SPC Luis G. Ayala, 21, died December 28, in Taji, Iraq, of wounds suffered

when an improvised explosive device detonated near his unit while on combat patrol. Specialist Ayala was assigned to the 2nd Squadron, 8th Cavalry Regiment, 1st Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from South Gate, CA.

Sgt Aron C. Blum, 22, died December 28, at the Naval Medical Center in San Diego, California, of a nonhostile cause after being evacuated from Al Anbar province, Iraq, on December 8. Sergeant Blum was assigned to Marine Aerial Refueler Transport Squadron 352, Marine Aircraft Group 11, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

PFC Ming Sun, 20, died January 9, in Ar Ramadi, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire during combat patrol operations. Private First Class Sun was assigned to the 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from Cathedral City, CA.

2LT Mark J. Daily, 23, died on January 15, in Mosul, Iraq, when an improvised explosive device detonated near his military vehicle. Lieutenant Daily was assigned to the 2nd Battalion, 7th Cavalry Regiment, 1st Cavalry Division, Fort Bliss, TX. He was from Irvine, CA.

CAPT Brian S. Freeman, 31, died January 20, in Karbala, Iraq, of wounds suffered when his meeting area came under attack by mortar and small arms fire. Captain Freeman was assigned to the 412th Civil Affairs Battalion, Whitehall, OH. He was from Temecula, CA.

SPC Jeffrey D. Bisson, 22, died January 20, in Karma, Iraq, of wounds sustained when an improvised explosive device detonated near his Humvee. Specialist Bisson was assigned to the 3rd Battalion, 509th Infantry, Airborne, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from Vista, CA.

LCpl Andrew G. Matus, 19, died January 21, from wounds received while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Matus was assigned to Battalion Landing Team 2nd Battalion, 4th Marine Regiment, 15th Marine Expeditionary Unit, Special Operations Capable, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Emilian D. Sanchez, 20, died January 21, from wounds received while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Sanchez was assigned to Battalion Landing Team 2nd Battalion, 4th Marine Regiment, 15th Marine Expeditionary Unit, Special Operations Capable, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Jamie D. Wilson, 34, died January 22, in Fallujah, Iraq, from wounds suffered while conducting security operations in Karmah, Iraq. Staff Sergeant Wilson was assigned to the 3rd Battalion, 509th Infantry Regiment, Airborne, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from San Diego, CA.

PFC Michael C. Balsley, 23, died on January 25, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Private First Class Balsley was assigned to the 3rd Squadron, 61st Cavalry Regiment, 2nd Infantry Division, Fort Carson, CO. He was from Hayward, CA.

LCpl Anthony C. Melia, 20, died January 27, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Melia was assigned to Battalion Landing Team 2nd Battalion, 4th Marine Regiment, 15th Marine Expeditionary Unit, Special Operations Capable, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Thousand Oaks, CA.

SPC Carla J. Stewart, 37, died January 28, in Tallil, Iraq, of injuries suffered when her convoy vehicle rolled over. Specialist Stewart was assigned to the 250th Transportation Company, El Monte, CA. She was from Sun Valley, CA.

CWO 3 Cornell C. Chao, 36, died on January 28, in Najaf, Iraq, of injuries sustained when his helicopter crashed. Chief Warrant Officer Three Chao was assigned to the 4th Battalion, 227th Aviation Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Orange, CA.

PFC David T. Toomalatai, 19, died on January 27, in Taji, Iraq, when an improvised explosive device detonated near his military vehicle. Private First Class Toomalatai was assigned to Headquarters and Headquarters Company, 2nd Battalion, 8th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Long Beach, CA.

LCpl Adam Q. Emul, 19, died January 29, from wounds received while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Emul was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SGT William M. Sigua, 21, died on January 31, in Bayji, Iraq, when his dismounted patrol received small arms fire. Sergeant Sigua was assigned to C Company, 1st Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Los Altos, CA.

I would also like to pay tribute to the soldier from California who has died while serving our country in Operation Enduring Freedom since November 17.

SPC Jeffrey G. Roberson, 22, died on November 28 in Logar, Afghanistan, from injuries sustained when an improvised explosive device detonated near his patrol. Specialist Roberson was assigned to the 230th Military Police Company, Kaiserslautern, Germany. He was from Phelan, CA.

IRAQ ESCALATION

When General William Sherman said ''war is hell,'' he certainly knew what he was talking about. After nearly 4 years in Iraq, I know of no one today who would argue with that statement. As Members of Congress, we have an awesome responsibility to decide whether to send America's sons and daughters into war. I voted against the resolution authorizing the President to go to war in Iraq because I didn't believe we should have been rushing to say to the President: Go it alone, you have a blank check.

This is what I said at the time, October 10, 2002, which is just before this Senate voted to give the President authority to go to war:

> I never have seen a situation where the President of the United States asked for the ability to go to war alone and yet has not told the American people what that would mean. How many troops would be involved? How many casualties would there be? Would the U.S. have to foot the entire cost of using force against Iraq? If not, which nations are ready to provide financial support? Troop support? What will the cost be to rebuild Iraq? How long would our troops have to stay there? What if our troops become a target for terrorists?

Obviously, I didn't know the answers to those questions that weighed on my heart that day, but today I know that there are more than 138,000 troops serving in Iraq, with a big escalation to come, an escalation that the Republicans would not allow us to vote on. I know that 3,098 soldiers have been killed and more than 23,000 have been wounded. I know we have spent $379 billion and that doesn't include the President's latest request. And I know, as we all do, that our troops are targets for terrorism and that 61 percent of Iraqis think it is OK to shoot an American soldier. How can this President send more of our troops into a country he says he is trying to help when 61 percent of the Iraqi people say it is OK to shoot and kill an American soldier, and 71 percent of Iraqis want us out of Iraq within a year? We now have answers to the questions I raised that bleak day—terrible answers. Yet my Republican colleagues wouldn't allow us to vote on a resolution opposing an escalation of this war, an escalation of over 40,000 troops, when you consider the support troops.

We know that a majority of Senators oppose this escalation. We know the majority of the American people oppose this escalation. Yet we can't vote on it. Many of us have gone further. We have proposed resolutions and bills to start redeploying our troops out of Iraq. We have called on the Iraqis—a majority of us last year—to shoulder the burden of defending their own country.

It seems like yesterday when we passed the 1,000 dead mark and then 1,500 dead mark and then the 2,000 dead mark and then the 2,500 dead mark. Now it is more than 3,000 dead. I remember when we hit the 2,500 dead mark last June. A reporter at the White House press briefing asked Mr. Bush's press secretary, Tony Snow, if the President had any reaction. Mr.

Snow said: ''It's a number, and every time there's one of those 500 benchmarks, people want something.''

What does that even mean? He calls 500 American dead benchmarks? That was a low point even for this administration that keeps on saying, if you don't support the war, you don't support the troops. That is hogwash. How do you support the troops when you send them into the middle of a civil war where they don't even know who is shooting at them? How do you support the troops? Three thousand ninety-eight soldiers dead is not just a number; those are people. That is 3,098 families who are forever changed. To put more of them in harm's way, to escalate our involvement does not say to me we love them. It says to me we have not thought this through. We are not listening or this administration is not listening to the Iraq Study Group. It is not listening to the military generals who came before us to say this is wrong. It is not listening to the American people.

Again and again this White House closes its eyes on the reality of this war. I know they don't want to see the tragic truth. But if you are going to make a decision to send our soldiers to war, you better be able to look at the consequences of that decision. They would not even let us vote on this escalation. The White House doesn't want that vote. They don't want to be second-guessed. They don't want to be embarrassed. They don't want to hear what this Democratic Congress has to say. And guess what. Elections have consequences—how many times has the President told us that—and this election had consequences. It means we have to take off the rose-colored glasses.

Let's look at the events of Sunday, January 28, in Iraq, as told by two Los Angeles Times reporters, Louise Rough and Borzou Daragahi. That Sunday in America happened to be my wedding anniversary, a day of rest for many, a day of relaxation, a day for religion, a day for football, a day for basketball, a day for movies, a day for fun, a day for family; in Iraq, a day of hell.

The headline of the LA Times, the following Monday, reads: ''Hundreds Die in Clash near Iraq Holy City.'' Here is the article. I don't know if this can be seen on the television, but it is a beautiful young girl, an Iraqi teenage girl. It could be your daughter; it could be mine. She is leaving school. She is stepping down steps that are bloodied by the blood of her schoolmates. She is barely looking around, and no one is helping her. This is a sight that is too often the reality in Iraq. The child has seen what no child should ever see, what we would do anything in the world to stop our children from seeing. And she appears numb.

The reporters write about fighting erupting near holy city of Najaf on the Shiite holiday of Ashura. There were conflicting reports as to whether the fighters causing the trouble were Shiite or Sunni militia, but we know that our soldiers, working with Iraqis, killed several hundred gunmen in a fierce fight and a helicopter went down, our helicopter, and we lost our people.

The reporters point out that our forces are fighting ''a complex patchwork of elusive enemies,'' and the deaths outside of Najaf would constitute the highest daily casualty toll inflicted by U.S. and Iraqi forces since U.S. troops arrived in Baghdad shortly after the March 2003 invasion.

This group we wound up fighting, because the Iraqi soldiers couldn't handle it and they called us in, call themselves Heaven's Army, a messianic cult who believes in the imminent return of Imam Mahdi, the last in the line of Shiite saints who disappeared more than 1,000 years ago.

Nomas, who is a spokesperson for the Iraqis, went on to lament to the reporters that many Shiites believe the end days are coming, due to all of the violence. This is what he said:

> There's nothing bizarre in Iraq anymore. We've seen the most incredible things.

People think the end is near, and that is what this President is sending more troops into.

Our troops have seen things we can hardly imagine, things that may haunt them throughout their lives. I have worked hard with my colleagues on both sides of the aisle to try and fashion some legislation so we have a commission that is set up to look at the mental health problems of our soldiers. They are deep, the signature wounds of this war, brain damage and posttraumatic stress.

In other parts of Iraq that Sunday, in addition to that school I showed and in addition to the fight with Heaven's Army, the messianic cult, we lost two U.S. soldiers and a marine. In Kirkuk, violence raged. In Babil Province, mortar rounds killed 10, and 5 bodies were found in the Tigris River. There was an assassination in Kut, a deadly car bombing in Fallujah. In western Baghdad, explosives hidden in a wooden cart killed 4 and injured 18, and an Industry Ministry advisor and his daughter were shot to death.

On the east side of the Tigris, a bomb exploded on a bus, killing one. Two other bombs exploded, killing seven. A bank clerk was killed by gunmen in a car near her home. This was all in this one article. This is one day, January 28, one day. Fifty-four bodies were found, including a woman kidnapped 2 days prior.

And finally, in Diyala Province northeast of Baghdad, 1,500 policemen, Iraqis, were charged with absenteeism and fleeing fighting. And this is what the President is sending more of our American soldiers into, and they wouldn't let us vote on it here. It is absolutely outrageous. It is immoral that we cannot vote on whether we agree with this escalation. Our soldiers gave the Iraqis their freedom, their Government, a sovereign nation, and now it is the Iraqis' turn to decide their future.

President Franklin Delano Roosevelt, the man who knew a thing or two about being at war said:

> In the truest sense, freedom cannot be bestowed; it must be achieved.

The Iraqis must achieve it. We cannot want it for them more than they are willing to fight for it themselves. All we are doing by sending more troops to Iraq is feeding an already out-of-control dependence. So I believe we must not only speak out against the escalation, but we should do everything in our power to stop it. We need to convene an international conference, as the Iraq Study Group called for. We need to call for a cease-fire. I haven't heard the word out of the Malaki's lips, ''cease-fire.'' It is his country. His people are killing each other. ''Cease-fire'' would be a term of art to give people hope that there can be peace. At this international conference, we can look at the long-term solutions. Right now our troops have mission impossible, acting as a police force in the middle of what is, by most accounts, a civil war.

Nowhere in the resolution this Senate voted on authorizing force is it stated our soldiers' mission is being in the middle of a shooting civil war. We ought to ask this President to come back with a new authorization, if that is what he wants to do.

Senator WARNER has said that in the past. He said:

> I think we have to examine very carefully what Congress authorized the president to do in the context of a situation, if we're faced with all-out civil war.

Well, that time has come. This President should, A, send a signal that he wants to see us vote on this escalation of his and, B, be willing to come back with a new authorization that says clearly that it is fine for our troops to be in the middle of a civil war. Enough is enough.

Enough is enough. We have to end the paralysis of ''stay the course.'' This is a time of great challenge for the U.S. Congress. I have been very proud these past few weeks to see my colleagues on both sides of the aisle begin to speak out forcefully against this. For me, it is easy to oppose the President on this war because, as I said, I voted against it, as did the occupant of the chair at that time. We didn't have our questions answered. I understand it is harder for others. But I believe everybody—at least a majority of the Senate—wants to vote on this escalation. They want to be heard on behalf of their constituents.

So it is times like these that I recall the words of one of my heroes, the great Martin Luther King, who said:

> The ultimate measure of a man [and I suspect he meant woman, also] is not where they stand in the moments of comfort, but where they stand at times of challenge and controversy.

He also said:

> Our lives begin to end the day we become silent about things that matter.

Well, this escalation matters. We ought to be heard on it.

I commend my leader, Senator REID, for holding firm on this issue. There ought to be an up-or-down vote on this escalation.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

UNANIMOUS-CONSENT REQUEST

Mr. MCCONNELL. Madam President, my good friend, the majority leader, and I have been in a discussion over the last few days, going back to last week, over how to go forward on the Iraq debate. As I have indicated to him both privately and publicly, we on this side of the aisle were certainly looking forward to having an Iraq debate this week and are prepared to do so and are ready to go forward.

I think we all agree at this moment that there is no more important issue facing the Nation than the mission and the fate of the American service men and women in Iraq. This means, of course, that the men and women of this body have no higher duty than to express ourselves openly and honestly on this issue, to take a stand on where we stand. The only truly meaningful tool the Framers gave us to do this was our ability to fund or not fund a war. That is it. This is what Republicans are insisting upon—that the Members of this body express themselves on the question of whether to fund or not to fund the war in Iraq.

I had indicated to my good friend, the majority leader, that I would be propounding another unanimous-consent request at this point, and I will do that now.

I ask unanimous consent that, at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed en bloc to the following concurrent resolutions under the following agreement: S. Con. Res. 7, the Warner resolution, which is to be discharged from the Foreign Relations Committee; McCain-Lieberman-Graham, regarding benchmarks; Gregg, relating to funding.

I further ask unanimous consent that there be a total of 10 hours of debate equally divided between the two leaders or their designees; provided further that no amendments be in order to any of these measures; further, that at the use or yielding back of time, the Senate proceed to three consecutive votes on the adoption of the concurrent resolutions in the following order, with no further action or intervening action or debate: McCain-Lieberman-Graham, on benchmarks; Gregg, on funding and supporting our troops; S. Con. Res. 7, the Warner resolution.

Finally, I ask unanimous consent that any resolution that does not receive 60 votes in the affirmative, the vote on adoption be vitiated and the concurrent resolution be returned to its previous status.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, this is basically the same thing that has been asked before. The issue before the American people is whether the President of the United States, on his own, should be able to send 48,000 American soldiers to Iraq, costing approximately $30 billion extra.

The Republicans can run, as I said yesterday, but they cannot hide. That is the issue before the American people. We all support the troops, and we have fought very hard, in spite of our misgivings about this war, to make sure they have everything they have needed.

It is interesting that there is a lot of talk about the Gregg amendment. But if you look at the Gregg amendment and at page 2—the last paragraph on page 2 of his amendment—and you look in the Warner amendment on page 3, paragraph 4, it is identical language. Warner has encapsulated within his amendment what Gregg wanted, which is the so-called ''resolve clause.''

This is all a game to divert attention from the fact that we have before us now an issue that the American people want us to address: whether there should be a surge, an escalation, an augmentation of the already disastrous war taking place in Iraq, causing 3,100 American deaths, approximately; 24,000 wounded American soldiers, a third of whom are hurt very badly; 2,000 are missing multiple limbs—brain injuries, blindness, paralysis. That is what 8,000 American soldiers now are going through—men and women.

So I ask my friend to amend his request in the following manner:

I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 7, by Senator WARNER, and S. Res. 70, by Senator MCCAIN, and the Senate proceed to their consideration en bloc; that there be 6 hours for debate equally divided between the two leaders or their designees on both resolutions, to be debated concurrently; that no amendments or motions be in order to either resolution; that at the conclusion or yielding back of the time, the Senate vote on Senator MCCAIN's resolution, followed by a vote on Senator WARNER's resolution; that if either resolution fails to garner 60 votes, the vote be vitiated and the resolution be returned to its prior status; that immediately following the votes on the resolutions I have just mentioned, the Senate turn to the consideration of H.J. Res. 20, the infamous continuing resolution, funding the Government after February 15 for the rest of the fiscal year; that there be 4 hours for debate on the joint resolution; that no amendments or motions be in order in relation to it; that at the conclusion or yielding back of the time, the Senate vote on final passage of the joint resolution; that if the joint resolution fails to get 60 votes, the vote be vitiated and the joint resolution be returned to the calendar.

I announce that if we are able to do that—dispose of these three items I have mentioned—this week, or whenever we finish them, then we would begin the Presidents Day recess at the conclusion of this week. One of the things we found is that because of the accelerated work schedule, people are having a lot of work to do at home. So that is why we would do this.

Madam President, there would be no amendments to the CR from either side. I mention that because, in getting to the point where we are, there has been total consultation by the majority and minority, each subcommittee, and the majority and ranking members. The chair and ranking members work very closely. One of the people heavily involved in this, for example, is Senator DOMENICI, my long-term partner on the Energy and Water Subcommittee on Appropriations. He fought for more, and he got more. That happened with many Republicans who spoke out, and most of them did.

I further say that if there were ever a bipartisan measure, it is the continuing resolution. But we have to finish before February 15.

So I ask my friend, the Republican leader, to accept my alteration to his unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MCCONNELL. Madam President, reserving the right to object, and I will object, let me remind our colleagues that 4 years ago last month, we were at exactly the same situation. My party came back to the majority. The Democratic majority of the previous Congress had not passed 11 out of the 13 appropriations bills. And what did the new Republican majority do? We took up an omnibus collection of appropriations bills. We had over 100 amendments offered. We gave everybody in the Senate an opportunity to offer amendments, and we disposed of all of those appropriations bills over a couple-week period.

What my good friend, the majority leader, is suggesting is that we take up a continuing resolution of 11 appropriations bills, with no amendments whatsoever, and he offers as an enticement an extra week off. This is completely unacceptable to the minority. First, he is saying that we cannot get adequate consideration to our Iraq proposals. Second, he is saying we cannot have any amendments to an over $400 billion continuing appropriation. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I will continue reserving the right to object to my friend's unanimous consent request. Prior to making a decision on that, I want to read to everybody here from page 3, paragraph 4, of the Warner resolution:

> 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.

Madam President, I object.

Mr. MCCONNELL. Madam President, it is clear now to the minority that five proposals on our side were too many, three proposals were too many, and two proposals were too many, but the majority leader offered us one last week. He said: I will take one and you take one. So I am going to modify my request of a few moments ago which, as the leader indicated, was exactly the same as my request of late last week. I am going to modify my request.

As I have said repeatedly, the Members on this side of the aisle are ready and willing to proceed with this debate. At the outset, I indicated we were prepared to enter into, as I said a moment ago, an agreement for debate and votes on various resolutions. We had hoped for a number—and it was pretty challenging, frankly, to pare down the number on our side. As I indicated, we started with five. That was rejected from the other side. We pared our proposals down to two. That meant three proposals in total—the Warner proposal and two additional ones—to be debated for a reasonable amount of time and then three votes—the unanimous consent request I just propounded.

I think what we just offered was a reasonable approach and would allow the Senate to have those votes this week. Evidently, as I indicated, three proposals are too many. So, therefore, in order to allow us to move forward with this important debate, I am prepared to have votes on just two resolutions.

Therefore, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed en bloc to two concurrent resolutions under the following agreement: S. Con. Res. 7, the Warner resolution, which is to be discharged from the Foreign Relations Committee; and Senator GREGG's amendment related to the funding and supporting our troops.

I further ask unanimous consent that there be a total of 10 hours of debate equally divided between the two leaders or their designees; provided further that no amendments be in order to any of the measures; further, that at the use or yielding back of time, the Senate proceed to two consecutive votes on the adoption of the concurrent resolutions in the following order, with no further action or intervening debate: the Gregg resolution supporting the troops and S. Con. Res. 7, sponsored by Senator WARNER.

Finally, I ask unanimous consent that any resolution that does not receive 60 votes in the affirmative, the vote on adoption be vitiated and the concurrent resolution be returned to its previous status.

Mr. REID. Reserving the right to object, we have gone from this morning and trying to copy one of the trick plays from the Super Bowl to now going to the science bill, and I guess it is modern math. We don't accept that, Madam President. What we demand for the American people is an up-or-down vote on the escalation of the war in Iraq. McCain has been filed. Let's vote on it. Let's vote on Warner. That is our proposal. We haven't wavered from that. We will not waiver from that. That is what the American people demand and ultimately they will get. I object.

The PRESIDING OFFICER (Mrs. MCCASKILL). Objection is heard.

The Republican leader.

Mr. MCCONNELL. Madam President, as my good friend on the other side of the aisle frequently reminded us last year, the Senate is not the House. It is not possible in this body for the majority to dictate to the minority the contents of this debate. What we are asking for, by any standard, is reasonable: One alternative—just one—to the proposal on which my good friend, the majority leader, is seeking to get a vote. We don't object to having this debate. We are ready and willing to have this debate, anxious to have this debate, but we insist on fundamental fairness.

The Gregg amendment is about the troops. How can we have a debate on Iraq and have no debate about the troops? Do we support them or don't we? That is what the Gregg amendment is about, and Senate Republicans insist that we consider those who are being sent to Iraq, over and above the current troops deployed there, in our debate, which is entirely about the additional troops going to Iraq.

I assume the whole genesis of this debate this week is the question of additional troops going to Baghdad under the direction of General Petraeus to try to quiet the capital city and allow this fledgling democracy to begin to take hold. And the Gregg amendment—Senator GREGG is right here on the floor of the Senate and is fully capable of explaining what the Gregg amendment is about. I ask the Senator from New Hampshire, what is the essence of the Gregg amendment which we seek to have voted on in the context of this Iraq war?

Mr. GREGG. Madam President, I will attempt to read it. I first have to find my glasses. My wife told me I had to use my glasses.

The resolution which I proposed and which I understand the Republican leader has suggested be the Republican alternative or the alternative presented—in fact, it will have Democratic support, I suspect, enough so that maybe the majority leader doesn't want it voted on because it might have so much Democratic support.

In any event, it is a proposal that simply states that it is the sense of the Congress that Congress should not take any action that will endanger U.S. military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

I don't think it requires a great deal of explanation. It is simply a statement of commitment to our troops which seems reasonable. It is hard for me to understand how we can send troops on a mission, walking the streets of Baghdad—American troops, American men and women—and not say to those men and women: Listen, we are going to support you with the financing, with the logistics, with the equipment you need to be as safe as you possibly can be in this very dangerous mission you are undertaking for our Nation.

That is all it says. I can't understand why the other side isn't willing to allow a vote on that resolution. If they want to vote on the Warner amendment, it doesn't make any sense.

Mr. MCCONNELL. Madam President, reclaiming my time, the other side just proposed an agreement that mandates 60 votes on two resolutions. Those are their words on paper. We agree to those terms, but at least we are suggesting that we be allowed to pick the proposal on our side, as Senator GREGG has just outlined what the proposal on our side would be.

The majority leader apparently seeks to dictate to us what the proposal on our side would be. That is simply unheard of in the Senate, that he is telling us that on the continuing resolution, we will get no amendments at all, and on the Iraq resolution, he will pick for us what our proposal is to be. I think that doesn't pass the fairness test.

I see the Senator from New Hampshire on the Senate floor. I wonder if he has any further observations he would like to make.

Mr. GREGG. Madam President, I would simply like to inquire of the Republican leader, have you ever in your experience seen a time when—either the Republican leadership or the Democratic leadership—the majority party says to the minority party: We will set forth the amendments on which we are going to vote, and we will also set forth and write the amendment on which you are going to vote?

Mr. MCCONNELL. Madam President, I say to my friend from New Hampshire, I have been here now—it is hard to believe—a couple of decades, and I cannot recall a time in which one side has dictated to the other side what their proposal will be in a legislative debate.

Mr. GREGG. I understand, I ask the Republican leader further, especially since it seems ironic in the context of putting forward a commitment to say to the men and women who are fighting for us: We shall give you the support you need when you are sent on a mission; they are not choosing to go on this mission; they are members of the military who, under their responsibility as members of the military, are being sent on a mission; is it not reasonable that we should say to them: We

will give you the logistical support, financial support, the equipment you need in order to fulfill that mission correctly?

Mr. MCCONNELL. Madam President, I say to my friend from New Hampshire, I can't think of anything more relevant to an Iraq debate about the appropriateness of this new mission, which General Petraeus will lead, than the amendment which Senator GREGG has authored and which we request be our proposal as this debate goes forward.

Mr. GREGG. Madam President, if the Senator will yield just for one further point, would it not be truly unusual in a democratic forum, which is supposed to be the most deliberative body in the world, to not allow the minority to bring forward a resolution—which is probably going to get more than a majority vote should it ever be voted on—which is not contestable as to its purpose—its purpose being well meaning; it is certainly not a purpose that is anything other than to express a sense of support for those who are defending us—would it not be a new form of democracy, maybe closer to the Cuban model, to not allow an amendment presented by the minority as their option but, rather, have the majority write the minority's amendment which would then be voted on? That way the majority gets to write both amendments, I guess is my bottom line.

You have one-party rule, sort of a Cuban model of democracy.

Mr. MCCONNELL. Madam President, I thank my friend from New Hampshire for his observations about not only the process but the merits of his proposal.

Let me conclude by reiterating once again that I think the Senator from New Hampshire and I and others, including those who have been speaking on the Senate floor on this side this morning, welcome the debate about Iraq policy. We had anticipated having the debate this week. It is not too late to have the debate this week.

We are now down to two proposals, just two proposals. It took a lot of time on our side to get down to one for us and, of course, the majority has a preference of its own. This debate could be wrapped up in relatively short order, and then we could move on with the continuing resolution, where I hope it might be possible for the minority to have at least some amendments.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the Presiding Officer is a new Member of this body, but she should have seen when the Republicans were in the majority. We didn't have amendments. They filled every tree. I will also say, it speaks volumes here today—volumes. There is not a single person on the other side of the aisle who has come to the floor and supported the troop surge of President Bush—not a single person. I wonder if President Bush is aware that not a single Republican Senator has come to the floor and said: I support President Bush sending 48,000 more troops to Iraq. That speaks volumes.

I will also say this, Madam President: Senator BOXER, a couple rows back, just a few minutes ago, talked about one short snapshot of one day from the Los Angeles Times: Scores of people being murdered and killed and mutilated; a little girl leaving school with blood-drenched steps over which she was walking. One could see the red in the photograph, and Senator BOXER was one, two, three rows back. We could all see that.

Not a single person has come to the floor to support the surge, but that is what is dictating what we vote on today. It is not the majority leader. We, for the American people, need to have this debate.

Also, I certainly care a lot about the Senator from New Hampshire—and he knows that is true—but I have to smile. What has he done the first few weeks of this legislative session? He has brought to the Senate floor during the debate on ethics, lobbying reform, and earmark reform the line-item veto, and then he brought it forth again on minimum wage. And now to stop a debate on the escalation of the war in Iraq, he now comes up with this other diversionary tactic. He is a wonderful man, a gentleman, but, Madam President, do you know what he kind of reminds me of this first few weeks of this legislative session? Somebody who comes into a basketball game, not to score points, just to kind of rough people up, just to kind of get the game going in a different direction.

The game we have going today has nothing to do with supporting the troops. We support the troops. Every speech that a Democrat has given in the last 4 years has talked about how much we support the troops. In fact, we were the first to raise the issue. We were the first to raise the issue about a lack of body armor. We raised that first. We support the troops. We have done that not only with our mouths but with the way we voted.

The debate in the Senate should be on the resolution submitted by the Senator from Arizona, which they have obviously dropped—the resolution from the Senator from Arizona and Senator LIEBERMAN from Connecticut. They threw that out in an effort to go for this diversion.

So why don't we see how the minority feels about voting on the President's surge of $30 billion and 48,000 troops? That is what this debate is about.

Mr. GREGG. Madam President, will the Senator yield for a question?

Mr. REID. Sure.

Mr. GREGG. First, I appreciate the Senator's generous comments. I take them as a compliment. I have been active legislatively. That is, obviously, our job.

I ask the Senator: He heard me read the language of my resolution earlier, and I will read it again, if he wishes.

Mr. REID. If I can interrupt, and I do that apologetically, I read it before the Senator from New Hampshire arrived in the Chamber because it is in the Warner resolution.

Mr. GREGG. Good. If the Senator is of such a mind, I ask if this were a freestanding resolution brought to the floor, would the Senator vote for my resolution?

Mr. REID. I don't think I have to make that judgment now because the judgment, I say to my friend from New Hampshire, is not some diversionary matter. The issue before this body and the issue before the American people—that is why we are getting hundreds of phone calls in my office and other Senate offices around the country. The issue is does the Senate support the President's surge? That is the question.

I have to say the Senator from Arizona at least was willing to put his name on it and move forward. We haven't heard a lot of speeches in favor of his resolution. Where are they?

Mr. GREGG. Madam President, if the Senator will yield further, I guess I find it difficult to argue that it is a diversion when the resolution that I am proposing simply says that we will support the troops who are being asked to carry out the mission they have been assigned. This is not a diversion. This is a responsibility, I would think, of every Member of the Senate to take a position on whether they support giving the troops who have been assigned the task, the equipment, the financial support, and the logistical support they need to protect themselves and carry out that mission.

I think to call that a diversion does not do justice to our troops in the field, so I am concerned about that. It does seem to me for the Senator from Nevada to take that position is inconsistent with the basic philosophy of Congress, which is that the first responsibility in a matter of warfighting is to support the troops.

Mr. REID. Madam President, I have been asked to yield to my friend from Washington, and I am glad to do that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I asked the majority leader to yield for a question. I have been on the Senate floor and listened to the exchange between the majority leader and the Republican leader and, quite frankly, I was astonished and I want to understand if the majority leader heard the same thing I did.

The Republican leader came back to you and offered to remove from consideration the McCain amendment, which is the pro-escalation amendment, essentially offering a vote on just the Warner and Gregg amendment. Leaving aside what this says about the lack of support of the proposal on their side, are we hearing from the other side that

they do not even want a vote on whether they support the President's escalation?

It seems to me we are hearing a phony debate request on who supports the troops. That is not a debate that we need to have. Everyone in this body supports the troops. I ask the leader if he heard the request from the Republicans the same way I did, that they no longer even want to have a vote on whether they support the President's escalation.

Mr. REID. Madam President, I say to my friend from Washington that we have a record of supporting the troops. We did it in Kosovo, we did it through the entire Balkans, and we did it in Afghanistan. We did it in Afghanistan with very few questions asked, and rightfully so. We have supported every effort made by this President to defeat the war on terror, with rare exception. But the troops in the field? Never, never have we wavered from that.

In fact, I don't know of a speech, although there could be some given, where a Democrat has talked about the war in Iraq and hasn't talked about how much we appreciate the work done by these valiant troops and the sacrifices of their families. That is why we were stunned during the State of the Union Address when the President even mentioned the veterans.

I am happy to have answered the question from the Senator from Washington.

Mr. McCAIN. Madam President, if the Senator will yield for a question.

Mr. REID. I yield.

Mr. McCAIN. I thank the Senate majority leader for yielding for a question, and I appreciate his willingness to engage in a dialogue on this issue.

In reference to the question of the Senator from Washington to the majority leader, I do want our resolution debated. We are trying to move forward. As I think the Senator from Nevada is aware, there was a proposal to have a 60-vote, which is the way the Senate does business, on three resolutions—on the Warner, McCain, and Gregg resolutions—and that was turned down. I only agreed to the latest proposal because I think we need to move the process forward.

I guess what I am asking the Senator from Nevada is, isn't it really true that the way we do business here does require 60 votes? It is just a reality of the way the Senate functions. When there was an attempt a year ago, 2 years ago, actually, with the so-called nuclear option, I was one who fought hard to preserve the right of the majority to have 60 votes in the case of the appointment of judges, and I think we reached a bipartisan agreement on that.

So I still am a bit puzzled why we could not have a vote on my resolution that would require 60 votes in order for it to be adopted, just as it would be for the Warner resolution and as it would be for the Gregg resolution. I don't quite understand why we couldn't do that, as we have done hundreds of times in the past, as the Senator knows, because we have been in the Senate for many years.

That is my question. Again, I thank the majority leader for allowing me to engage in this discussion with him.

Mr. REID. Madam President, I say to my friend who came to the House at the same time as myself, and then we came to the Senate together—in fact, there is only one person ahead of me in seniority, and that is the Senator from Arizona because the State of Arizona has more people in it than the State of Nevada—no one has ever doubted the courage of the Senator from Arizona. I have read the books. I know about Senator McCAIN. He has not only been heroic on the field of battle but also legislatively, and I respect that.

But I say to my friend, yes, there are 60 votes required on some things in this body. Not everything. The vast majority of legislation that passes here is with a simple majority. I would say to my friend, recognizing that it does take 60 votes, that is why I offered to do the deal: McCain, 60 votes; Warner, 60 votes. That is the proposal I made.

That is pending before the body right now, and that has been turned down five or six times. So I would be willing to do it on a simple majority, if you want to do McCain on a simple majority or the Warner resolution on a simple majority. I would try to get that done. Right now, Madam President, we have the proposal I have made.

I do say that the debate is not whether we support the troops. That is a diversion. We support the troops. The issue before this body is whether the American people deserve to see how their Senator is going to vote; whether their Senator approves the surge, the escalation, the augmentation of 48,000 troops, costing approximately $30 billion extra. That is what the American people care about, not whether we support the troops. We all support the troops.

Mr. DURBIN. Madam President, will the Senator from Nevada yield for a question?

Mr. REID. I will be happy to yield.

Mr. DURBIN. Madam President, I want to understand what has happened over on the other side, the Republican side. Is it my understanding they have asked now to drop the McCain-Lieberman amendment?

Mr. REID. I have to be honest with my friend from Illinois, who also came with us at the same time from the House to the Senate, that the answer is, yes. The Lieberman amendment has been given up.

Mr. DURBIN. If I might continue through the Chair to ask the Senator from Nevada a question, on the issue that I think is before America today—whether we should escalate the number of troops into this war in Iraq—we had offered to the Republican side a choice between two Republican amendments: Senator WARNER's amendment, which said the President's policy is wrong, and Senator McCAIN's amendment, which says the policy is advisable and should be followed. Even given the option of two Republican amendments, the Republican minority, yesterday, voted to deny any opportunity for the Senate to debate two Republican amendments?

Mr. REID. I would say to my friend, yes, that is true. We were willing because the Senator from Arizona had the ability, the courage, and the dignity to put this issue before the American people, even though—and he knows this—the vast majority of American people do not support the escalation in Iraq. But he did it. We were willing to take two Republican resolutions—one supporting the surge, one opposing the surge—and let Senators from every State in the Union raise their hand and tell the American people how they feel about it.

Mr. DURBIN. Madam President, I might ask the Senator from Nevada whether this resolution being offered by Senator GREGG really is focused not on the major issue of escalating the war but somehow is focused on supporting the troops. Even the Warner resolution, a Republican resolution, has the identical language of the Gregg resolution when it comes to that support of the troops; is that not true?

Mr. REID. I say to my friend that the rumor around here is that Senator WARNER put that in there thinking he could get the support of the Senator from New Hampshire, but, obviously, he was wrong.

Mr. DURBIN. Madam President, I might also ask the Senator whether it appears to him now that the Republicans, at this point, don't want to debate either of the Republican amendments and want to change the subject; that they want to move to a Gregg resolution, which deals with, as the Senator has just said repeatedly, support for the troops, which is not an issue?

We all support the troops. It appears to me that we have made no progress in the last 24 hours, and I would ask the Senator from Nevada if he has a different conclusion.

Mr. REID. I say to my friend that the only thing I sense this afternoon—and I have to say it with a smile on my face, and I hope everyone recognizes this—is that every piece of legislation we have brought up, the Senator from New Hampshire has tried to throw a monkey wrench into it. It happened on ethics, it happened on the minimum wage, and now on this Iraq issue.

I guess my dear friend, who has a stellar political record as Governor, Member of the House of Representatives, United States Senator, chairman of the Budget Committee—and I have commented for the record many times about my admiration for him, but I guess he is the designated ''see if we can mess up the legislation'' guy this year. I would hope in the future to get somebody I don't care so much about because it is hard for me to try to oppose my dear friend from New Hampshire. Maybe when they do this every couple of months they will change.

Mr. MCCAIN. Madam President, will the Senator yield for one more question?

Mr. REID. I will be happy to yield.

Mr. MCCAIN. Madam President, again, I appreciate the courtesy of the majority leader.

Is it not true that when the Senator says he supports the troops, that there is disapproval of what they are doing and that the Senator does not think their mission is going to succeed? And is it not true that maybe some of the troops may not view that as an expression of support?

I talked to many men and women in the military in recent days, ranking from private to general. Isn't it true that most of them, if you had the opportunity to talk to them, would say: When they do not support my mission, they do not support me?

Therefore, isn't it just a little bit of an intellectual problem to say: Of course, we support the troops; of course, we support the troops; of course, we support the troops, but we are sending you over—and they are going because this is a nonbinding resolution—aren't we saying that we think they are going to fail and this is a vote of no confidence?

The so-called Warner amendment, by the way, is not a Republican amendment, no matter whose name is on it.

Is it not true that when I look one of these soldiers or marines in the eye and say: I really support you, my friend, and I know you are going into harm's way, but I don't think you are going to succeed, in fact, I am against your mission, but I support you, that they do not buy it? They do not buy it, I will say to my friend from Nevada, and don't think that they do.

So I would ask my friend if it isn't true a vote of no confidence is a vote of no confidence to the men and women who are serving in the military. It doesn't sell.

Mr. REID. Madam President, I also have had the opportunity to go to Iraq as many times as my friend from Arizona, and I also speak to the troops and the people at the Pentagon. I have to respectfully suggest to my friend that there are many individuals whom I have spoken to who really like what we have suggested—we, the Democrats—that there be a redeployment of troops.

Does that mean they all pull out of Iraq and leave immediately? Of course, it doesn't. But redeploy the troops. Redeploy the troops. Redeploy them to do what? Counterterrorism, force protection, and training the Iraqis. And my contacts in the military say they think our proposal is pretty good. We were on this proposal before the Iraq Study Group, but they adopted it, and I hope they got it from us, and that is that there should be a regional conference, including Saudi Arabia, Egypt, Jordan, Syria, and, yes, Iran. This is a regional problem. This war will not be handled and dealt with and taken care of militarily. It can only be done diplomatically.

We are a wonderful fighting force, and we will continue to be, but where we have lost our edge is diplomatically. We have not done well at all in that regard, and the people I have talked to in the military support what we are trying to do: redeployment; they support a regional conference; they support, of course, recognizing that this must be handled politically. There has to be some meaningful reconstruction that goes forward—producing less oil now than before the war, less potable water, and less electricity. These are the things which have to be changed, and the people I talk to in the military think we are headed in the right direction.

They also think we are headed in the right direction when we speak out on the state of deterioration of our military. This war has taken a toll on our equipment—not on our troops alone, on our equipment. It is going to cost $75 billion to bring the military up to the situation they were in prior to this war. They are grateful we are fighting for them in that regard.

So, Madam President, I respect—and I don't have the military background of my friend from Arizona, but I have contacts in the military, and I think a lot of those people are more willing to talk to me than someone who is running for President and someone who is more noteworthy than I am. He is better known in the military, and they know he can respond to them probably better than I. So they are willing to tell me a lot of things they wouldn't tell someone as significant as JOHN MCCAIN.

So, Madam President, I think the Democratic plan we have enunciated is pretty good, much of which we have enunciated for a long time and has been picked up by the Iraq Study Group.

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

Mr. REID. Certainly.

Mr. DURBIN. I would like to ask the Senator from Nevada the following question: If I follow the inquiry of the Senator from Arizona, it leads me to this conclusion—and let me add my voice in chorus commending his service to our country and commending his courage. I share the admiration, and I mean it sincerely, I say to the Senator from Arizona. But his argument goes something like this: If you are not loyal to the policies of the Commander in Chief, then you are not loyal to the troops. If you are not prepared to say you will stand behind the policy, the military policy of the President, whether you agree with it or not, then you do not respect the troops and don't have confidence in the troops. Nothing is further from the truth.

I ask the Senator from Nevada, does he think it is possible to disagree with the President's policies and still be loyal to the troops? Is it possible to say the President was wrong in not bringing more countries in as allies in this conflict before we invaded and still be loyal to the troops? Is it possible to say we didn't send enough soldiers when we should have and still be loyal to the troops? Is it possible to say disbanding the Army of Iraq was a bad decision and still be loyal to America's troops? Is it possible to say the situation that is grave and deteriorating in Iraq is evidence of a need for a new direction and still be loyal to the troops?

I just don't buy the premise by the Senator from Arizona that if you question the policy of the President, somehow you are disloyal to the soldiers. They are the ones following orders from the Commander in Chief. We have a special obligation to them—I think a loyalty to them—far and beyond any Chief Executive.

I would ask the Senator from Nevada if he believes you can be loyal to the troops and still disagree with the President?

Mr. REID. I think that is part of being a patriotic Member of this Congress.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I was, unfortunately, engaged in a briefing in S. 407 on the most recent NIE, and I have just come down to join my colleagues on the Senate floor and I caught some portions of the debate. But I would like to say to my colleagues that the Senator from Virginia, together with probably six or eight other Republicans, has been discussing this issue very carefully and thoughtfully and respectfully.

Frankly, we have taken to heart what the President said when he addressed the Nation on January 10. His very words were: ''If there are those with ideas, we will consider them.'' We accept that invitation by our President and have tried in a very respectful way to simply state that we have some serious concern with the level of 21,500 additional troops. Now we learn it could even be larger than that, in testimony, open testimony this morning with the Secretary of Defense and the Chairman of the Joint Chiefs. It could be 3,000 or 4,000 more. We tried in a very respectful way simply to express our concerns about an increase of that level at a time when polls show most of the Iraqi people don't want us there, much less increase the force. Now, I am not following the polls, but we are asking our troops to go into a very heated, emotional situation in that country. We simply said to the President: Shouldn't we put more emphasis on the utilization of the Iraqi forces? Shouldn't we let them bear the brunt of such additional security as must go into Baghdad?

We learned this morning that the efforts to build up the forces have fallen short. I am not going to pronounce judgment on what happened on just 2 or 3 days' reporting, but clearly the number of Iraqis showing up is far below the estimates or significantly below the estimates we anticipated their participation would be in this operation which, in many respects, is to

be joint. We talked with General Pace this morning about my concern of this concept of joint command and control. He assured us the American forces would have a linear straight line from an American senior officer right down to the sergeants operating the platoons on the front lines. But nevertheless the Iraqis are going to have their chain of command, and I think that puts a challenge to us.

But I don't want to digress from my main point. Our group, in a conscientious and a respectful way, even wrote into the resolution that we in no way contest the right of the President of the United States under the Constitution to take the actions he has taken thus far and will take. But as long as I have been in this Chamber—now in my 29th year—I have always tried to respect another Senator's way of thinking. I don't question his integrity or her integrity or their patriotism or anything else. I do not do that now. I wish to make my points based on what I have put forth in this resolution with about six other Republican colleagues and a number of Democrats.

We simply want to suggest—and we use the word ''urge''—we urge you, Mr. President, not ''direct you'' or ''you shall do this,'' we simply urge that you take into consideration all the options by which you can bring down this level and consider greater utilization of the Iraqi forces.

Then we have the subsidiary question that this program is in three parts—one part military. So much of our focus has been on that. There is a diplomatic part. There is an economic part. In our testimony today with the Secretary of Defense and the Chairman, we stressed the need for all three of those parts to come together at one time to have the effect that the President desires with his new plan. Somehow, we gained the impression today that maybe the political part and perhaps the economic part are not quite as far along as some of the military thinking and planning. Actually, the troops are moving in as we debate this on the Senate floor.

So there were several questions we respectfully raised with the President, urging him to take a look at this, by means of which to lessen—lessen the total number of 21,500 and, indeed, more now—troops.

We also point out the importance of the benchmarks. That is all in there. We carefully lay out that the benchmarks should be clearly and fully understood by both sides and a method put in place by which we can assess the compliance or noncompliance for those benchmarks. The Secretary of Defense today, in his testimony to us, in response to questions from this Senator and others, said: Yes, we will put in a mechanism by which to evaluate the degree to which the Iraqi compliance is taken with respect to benchmarks, the benchmarks that basically have to support the President's plan. In addition, we put in the resolution of the Senator from New Hampshire. I think it is important that we have an expression in here about the non-cutoff of funds.

So our resolution has been presented to try as best we can to put together right here on the floor of the Senate a bipartisan consensus. I think the American public is entitled to see whether the Senate, an institution that is followed throughout the world, can come together and express in a single document—accompanied by lots of debate but in a single document—a joinder of a number of Republicans and a number of Democrats, so it is truly bipartisan, and therefore the American public will get, I think, the sense of confidence that this body is carrying out its responsibility under the Constitution to speak to this issue and to put onto a piece of paper what we think is the nearest a group of us can gather and express ourselves. And that includes a vote.

I am not going to enter into further debate with the two leaders. I think they are trying to work out and resolve this problem. I support my leader with respect to the cloture, and that raises a question: How can I advocate that I strongly adhere to my resolution and at the same time support my leader? Well, when I first came to this Chamber many years ago, the old-time Senators who taught me so many lessons said: This is what separates the Senate from the House—the ability to have this almost unlimited debate by a single Senator. And it is, throughout the history of this institution, one of its revered tenets and its rules. To take that and deny it, deny Senators the ability to bring up their own resolutions to express their own views, is a curtailment that I believe we should consider long and hard. That is why I cast that vote yesterday.

So I leave it to the two leaders, but I come back again to the need for this great institution to express itself through the votes of hopefully a significant number of Senators, that this is what we believe is the best course of action for our Nation to take as we revise our strategy in Iraq, as we move ahead. And in our resolution, we put in there ever so expressly that we agree with the President; it would be disastrous were we to allow this Government to collapse not knowing what government might or might not take their place, and to allow the Iraqi people to lose the ground they gained through courageous votes several times to put this Government together. It would be bad for Iraq, it would be bad for the region, and it could have ramifications on world peace and our efforts to stem this terrible growth of terrorism worldwide.

I yield the floor.

Mrs. MURRAY. Madam President, I ask unanimous consent that the time used by the two leaders in the exchange on the floor not be counted against the 90 minutes on each side.

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

Mrs. MURRAY. I ask unanimous consent to proceed for 15 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, war is the most serious and the most consequential issue we can debate here in the Senate. American lives, American security, and America's future are all on the line when our country decides questions of war and peace. For years, we have been denied a real opportunity to fully debate this war in Iraq, a war that has now claimed more than 3,000 American lives with no end in sight.

Last November, the voters sent us a message. They want a new direction. What do we hear from the President? More of the same. In fact, his plan is to escalate the war by putting up to 48,000 more Americans in the middle of a deadly civil war. They are two completely different approaches. On one side, we have the American people, the Iraq Study Group, generals who have spoken out, and a bipartisan majority of Congress. On the other side, we have the President and his supporters. In a democracy, we resolve these issues through debate. We in the Senate are ready for that debate. We are ready to move in a new direction, and it starts by putting this Senate on record as opposing the President's plan to escalate the war in Iraq.

I have been looking forward to finally having this debate in the Senate, but apparently some of the Republicans have a very different strategy. They don't want to have a real debate. They don't want to consider the resolutions that have been offered. In fact, I think the discussion we just witnessed right now showed that to us.

Last night, by voting against a motion to proceed to this debate, they said they didn't want to talk about this. Now, I am not here today to question their motives, but I do want to point out the consequences. Every day they block a debate, they send a message that Congress supports escalation. Every day they block a debate, they deny our citizens a voice in a war that has cost us dearly in dollars and in lives. And every day they block a debate, they are blocking the will of the American public.

I am on the Senate floor today because I know this debate is long overdue, and I am not going to let anyone silence me, the troops for whom I speak, or the constituents I represent. Ever since the start of combat operations in March of 2003, I have been very frustrated that we have been denied a chance to hold hearings, a chance to ask critical questions, a chance to demand answers, to hold those in charge accountable, and to give the American people a voice in a war that is costing us terribly. We are going to have that debate whether some in this Senate like it or not.

Four years ago, I came to the Senate to discuss the original resolution to give the President the authority to wage war in Iraq. At that time, I asked a series of questions, including: What is

the mission? What will it require? Who is with us in this fight? What happens after our troops go in? How will it impact the Middle East? How will it affect the broader war on terror? And are we being honest with the American people about the costs of that war?

After exploring those questions back almost 4 years ago, I announced on October 9 of 2002 that I could not support sending our men and women into harm's way on an ill-defined solo mission with so many critical questions unanswered.

Now, here we are today, 4 years later, $379 billion and more than 3,000 American lives taken. Now the President wants to send more Americans into the middle of a civil war against the wishes of the majority of the public and Congress?

As I look at the President's proposed escalation, I am left with the exact same conclusion I met with 4 years ago. I cannot support sending more of our men and women into harm's way on an ill-defined solo mission with so many critical questions unanswered. Today, President Bush wants to send Americans into battle without a clear mission, without equipment, without an endgame and without explaining the cost.

When he tried it 4 years ago, I stood up and spoke out and I voted no. Again today, President Bush wants to send more Americans into battle without a clear mission, without equipment, without an endgame and without explaining the costs. Once again, I say: Not on my watch. We need a new direction, not more Americans in the middle of a civil war. I will vote for a bipartisan resolution to send a clear message that we oppose the surge. It is the first step in demanding a new direction in Iraq.

No debate on Iraq can begin without first recognizing our men and women in uniform who risk their lives and all too often give up their lives to keep all of us safe. Whenever our country calls, they answer, no matter the cost to them or their families. They are our best. They are our brightest, they are our bravest, and I hope to give them a voice in this debate.

While most Americans today are going about as normal, our troops and their families are quietly making tremendous sacrifices. The burdens of this war have not been shared equally, and we owe so much to those who shoulder those heavy burdens.

I had a chance to visit servicemembers from my home State on the ground in Kuwait and in Baghdad. Every one of them makes us proud. I have sat down with servicemembers and their families at Camp Murray, at McChord Air Force Base, at Fairchild Air Force Base. I have talked with returning servicemembers in every corner of my State. I have worked to help give them the health care and the benefits and the transition and support they deserve.

My home State of Washington has made tremendous sacrifices to help us fight and win the war on terror. To date, more than 59,000 servicemembers with the Washington State connection have served in Operation Enduring Freedom and Operation Iraqi Freedom. Currently, there are nearly 10,000 people with the Washington State connection who are serving in OEF and OIF. According to the Department of Defense, as of January 20, for OEF and OIF, 702 servicemembers whose home of record is Washington State have been injured. That is 702 injured from my State. In addition, 66 servicemembers whose home of record is my home State of Washington have paid the ultimate sacrifice. The number is even higher when you include those who have a connection to Washington State.

Each one of those brave Americans is someone whose mother or father, sister or brother, daughter or son, their families are never going to be the same. Their communities will never be the same. I offer my prayers for those who have sacrificed for our country. We owe them a debt that can never fully be repaid.

After nearly 4 years of losses and misrepresentations and miscalculations, the American people have said they want a new direction in Iraq. Generals have spoken out calling for a new direction. The bipartisan Iraq Study Group called for a new direction. Yet President Bush has ignored everyone and is now pushing to send even more of our American troops into the middle of a civil war. He is wrong. And a bipartisan resolution is the first step we can take in helping to forge a new direction.

But now what we have is Republicans who are denying the Senate a chance to vote for that new direction. In fact, they are preventing the Senate from even debating the merits of that direction. They may have stopped us from moving forward last night, but they cannot stop this debate forever. The American people would not allow it.

If the Republicans stop their obstruction and start allowing the Senate to debate this misguided surge proposal, there are plenty of questions we have to ask. What would be the impact of a surge? How would it affect our men and women in uniform? Will it put more of them into the crossfire and cause more deaths and injuries? My home State is home to Fort Lewis and two of the Army Stryker Brigades. How is the surge going to affect them? Will some members see their current deployment extended? Will others see their deployment date moved up? Will all of them have the equipment they need when they are there? Those are the first questions we have to ask.

How will the surge affect our ability to care for our returning veterans? We are having trouble meeting their needs today; how will we do the job in an escalated war?

I have heard several Members on the other side demand ideas from Democrats, and my first response is simple: To discuss ideas, shouldn't we discuss, first, the President's ideas? He is, after all, the Commander in Chief. That is the point of the resolutions, to foster a debate on the President's plan for the future of Iraq. But the Senate Republicans would not allow that. The Republicans' obstruction and the President's decision so far have left us with very few options.

I am looking at every resolution and every proposal. I am looking forward to having hearings and getting the facts and moving forward in a bipartisan way.

Personally, I believe the way forward should include three steps. First of all, we should strategically redeploy our troops. Second, we should work with Iraq's neighbors and other countries in the area to build a regional framework. And third, we need the Iraqis to take ownership of their own country and their own future. We can send troops for decades and never have a peaceful, stable Iraq until the Iraqi people are willing to work together for a purpose that is larger than their own tribe or their own sect or their own self.

We need to refocus our efforts on the war on terror, on fighting al-Qaida, and on addressing the other challenges that threaten our security. I am very concerned by the reports we hear about Afghanistan, that it is sliding backward and becoming more unstable. Those are some of the steps I would take to improve our security. That is the debate we ought to be having.

Before I conclude, let me address two concerns. First, some people have suggested that if you question the President's policies, you are somehow hurting our troops. As the Vice President would say, hogwash. Supporting our troops means giving them a clear mission, making sure they have the equipment and support they need and making sure we have a clear endgame. If any of those critical ingredients are missing, it is our duty to question the policy until we provide our troops with what they need. Sending more Americans into the middle of a civil war without a clear mission, without equipment, without support, without an endgame, is endangering our troops, not supporting them.

I don't shrink from war. I voted for the war in Afghanistan. My father served in World War II and he was injured in combat. I know war is sometimes necessary. But I also know that if we don't answer the critical questions, our troops pay the price. For too long, partisans have claimed to be speaking for our troops but have blocked the discussions that could truly protect them. I say, no more.

Finally, some people say that a nonbinding resolution is not enough. And I agree. That is why this is a first step. We can't take the other steps until this Congress goes on record, in a bipartisan voice, telling the President the surge is wrong. Once we have done that, the ball is in the President's court. But today, Senate Republicans

are preventing us from getting there. If he still will not change course, we will look at the other tools before us.

Senators have discussed a wide series of steps that we could take. I will review all of them. We are also holding hearings to find out what options we can take. This is the first step. If the President doesn't hear us, we will take the next step. And the next step. And the one after that.

I understand that many Americans are frustrated that our troops are in the middle of a civil war. I am frustrated. too. I wish we had been allowed to start this process, these hearings, these debates and votes a long time ago. But we are moving aggressively forward now. Democrats have been in charge now for 5 weeks. And already, finally, we are having more debates, more hearings, more progress, than we have had in the past 3 years. But I can promise you, this is only a beginning.

We can't have these debates if the Republicans are blocking us in an open discussion of the war. The Republicans need to stop denying a real debate in the Senate, so that together we can move our country in a new direction. I believe for us to have an impact, Congress has to speak out in a clear, bipartisan voice. We could vote on hundreds of resolutions that make us feel better, but that would not help us change direction. It is a strong, bipartisan message from Congress to the executive branch and to the country that has the power to make progress.

I am willing to take the time and do this right and to build the support we need so that at the end of the day we can have a real impact. I strongly oppose the surge. I believe escalation is the wrong direction. I will vote to put the Senate on record opposing the surge if the Republicans will end their filibuster. I will continue to fight for new direction in Iraq.

For too long, the voices of our troops and our citizens have been blocked. Today, Senate Republicans are trying to continue that obstruction. I say, no longer. The debate must begin because our country will be better for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 15 minutes.

IRAQ

Mr. DODD. Madam President, let me commend my colleague from the State of Washington for her comments and her views. I associate myself with many of the things she expressed in the Senate. I congratulate her for her words, her passion, and her strong feelings about where we stand today on this issue.

Let me also commend the Democratic leader for his efforts to engage in what is probably the single most important debate this Senate could possibly be engaged in. There are other very important matters at home and around the globe—but everyone would agree, regardless of your views on policy, that the issue of Iraq and where we stand and the effort by the President to increase the number of troops on the ground in Iraq, particularly to place them in the large, highly densely populated urban areas of Iraq, is one of the most serious issues facing our country.

We have had a series of serious and thought-provoking hearings conducted by Chairman BIDEN of the Senate Foreign Relations Committee over the last number of weeks on this issue, with people who represent a variety of ideological perspectives. Yet without fear of contradiction, I believe the overwhelming majority of the witnesses who have appeared before that committee have expressed serious reservations about this escalation, this surge, placing some 21,000 of our young men and women into Baghdad to try and act as a referee in what we all admit today is clearly a civil war.

Having this debate is important. I wish to take, if I can, the few minutes allotted to me to express my concerns about the process, my concerns about the surge, and my concerns about the overall direction of the policy in Iraq. There is not a lot of time to do that, but let me share some thoughts.

First of all, I believe that every Member in this Chamber, regardless of his or her view on the issue before the Senate regarding Iraq, would do everything he or she could to make sure that our brave men and women in uniform, serving in harm's way, would receive everything they could possibly need to defend themselves. That ought not to be a debating point. I know of no one in this Senate who feels otherwise. And the fact that we have to have some discussion about this very point is a reflection, I think, of what has gone wrong in this debate already.

In fact, I point out that over the last 4 years or so, there have been amendments offered by those of us here to provide different additional resources, such as for body armor, because we felt our troops were not getting what they needed. There has been significant discussion here in the wake of testimony offered by our senior military leaders about what has happened to the combat readiness of our troops as a result of our failure to continue to provide the kind of equipment and support they deserved over the years. Certainly what has happened to veterans coming back has also been the subject of debate. But, nonetheless, I believe most Members here, if not all Members here, believe our troops deserve the kind of support they ought to have when they are serving in harm's way.

And so, the debate is not whether you support our troops. The debate is whether the policy direction the President wishes to lead us in is the right one. That is a debate which ought to occur in this Chamber. Frankly, in my view, it ought to be a debate that resolves around at least a legislative vehicle that might have some meaning to it, some bite, some teeth, some reality, some accountability.

My leaders know I have strong reservations about a sense-of-the-Senate debate. Now, normally, we have sense-of-the-Senate resolutions when there is a consensus that develops. Normally, sense-of-the-Senate resolutions are offered around matters that are noncontroversial and we wish to express ourselves regarding these matters, so we all sign on or virtually everyone signs on.

I would say if, in fact, the goal here was to get 70 or 80 Members of this Chamber—Republicans and Democrats—to sign on to a proposition that said we think the surge and escalation is the wrong thing to be doing, then the vehicle of a sense-of-the-Senate resolution would have value. But I would suggest here we are into the second day of this debate and we cannot even decide what sense-of-the-Senate resolution we want to debate.

So if you are sitting out there watching this Chamber at this moment, in terms of where we ought to be going and what the effect of what we are about to do is, it is rather confusing, to put it mildly, as to where we stand in all of this. We cannot even decide what sense-of-the-Senate resolutions to bring up. If we are going to have a debate around here that is meaningful, why not debate something that is meaningful?

So my concerns are, in many ways, that given this moment in time, before these young men and women are placed in harm's way—because I know full well, after a quarter of a century here, once they are on the ground, once they are in place, the debate changes. The debate changes. So if we are truly concerned about dealing with the surge and escalation, then I believe we ought to be engaging in a debate that has some meaningful outcomes when it comes to the decision of whether we go forward.

I, for one, would like to see a new authorization come to this body to be debated. The resolution on which we are operating today is one that was crafted 5 years ago. It was fundamentally linked to weapons of mass destruction and the conduct of Saddam Hussein. The first argument was, of course, a fiction. There were no weapons of mass destruction. And the second argument is no longer viable. Saddam Hussein is gone.

Today, we are being asked to place men and women in uniform in the middle of a civil war. It seems to me that if the President of the United States wants that to be a policy endorsed by the American people through the actions of this body, then we ought to be voting on a matter that says this is something we agree with and go forward. That would have some meaning to it, it seems to me. If we rejected it, then the President would have a strong answer from the Congress about whether we are about to continue to finance

and support that activity—again, not undercutting the needs of our troops in harm's way but a legitimate debate about a real issue that requires Members to stand up and vote yes or no.

I realize I am in sort of a minority of one or two here who believes the vehicles we are choosing to debate over the next several days, if, in fact, the debate goes on, are ones that in the final analysis are nothing more than really message proposals. If we are highly divided over which one to bring up, what is the message, in effect, if we cannot even decide which vehicles we want to choose to discuss?

Regarding the surge itself and regarding the Warner-Levin or Levin-Warner proposal, I have some problems with the language of that proposal. It essentially abdicates the power of the purse. It calls for selective diplomacy in the region instead of engaging all of Iraq's neighbors. The language opposing the surge is weak to the point of being nonexistent. And there is language that suggests that nothing in this resolution ought to imply a call for redeployment—something I wholeheartedly believe we should be pursuing in a phased manner.

But those are my concerns about it, both in terms of the process and the language under consideration. I realize other Members do not have those problems. I respect that. But those are my concerns.

Now, regarding the surge itself, again this has been stated by others who have examined this proposal in great detail, including our senior military people and senior diplomats. As I said a moment ago, in testimony before the Senate Foreign Relations Committee, they have spoken eloquently about their concerns that this proposal does nothing but contribute to the chaos that reins in Iraq.

There are some 6 million people who live in the city of Baghdad. To suggest we are going to send 17,000 or 18,000 service men and women into a city of 6 million, where there are at least 23 militias along with insurgents, Baathists, hardened criminals, and possibly some al-Qaida elements, and that we are going to sort this out in a way that is going to move us toward a political settlement in the country is I believe, frankly, beyond dreaming. I do not think it has any viability whatsoever. In fact, I think it contributes to a further escalation of the conflict in the country and delays even further what everyone agrees must occur: some sort of political accommodation between Shias and Sunnis and Kurds—between Shias and Shias, for that matter. The idea that placing our troops as a referee in the middle of this civil conflict is going to get us closer to that result, I think, has been successfully argued against by those whom we respect and admire in these debates.

Secondly, may I say that, in fact, if you are trying to encourage those elements to get together and you are also trying to encourage regional diplomacy to play a role here, then it seems to me we ought to be talking about how best we can achieve that. When you have an administration that refuses to even engage in any kind of conversation or negotiations with governments in the region with which we have serious disagreements, then I think we get even further away from the suggestions made by the Baker-Hamilton study group on Iraq that proposed what I thought were very commonsense, sober, and sound recommendations that would allow us to have a greater likelihood of achieving the success we ought to be pursuing. I see little likelihood of that occurring if, in fact, we are talking about a further military escalation of the conflict here. Every single person who has looked at the situation in Iraq has drawn the following conclusion: There is no military solution—no military solution—in Iraq. So continuing to pursue that option, continuing to pursue that particular goal in the face of all the evidence to the contrary, I believe is a major, major mistake for this country.

I think this body—the Senate—ought to be on record expressing its opinion about it and that we ought to go forward in a meaningful, real, accountable way. Unfortunately, that is not likely to happen. In fact, we may end this debate without voting on anything at all regarding Iraq, as we need to move on to other items that the leadership clearly must address in the coming weeks. So we are missing an opportunity, other than to express our views, which most people have done. I know of no Member in this Chamber who has not spoken out publicly about whether they think the surge is the right direction to go in, what alternatives they would offer in terms of how we might begin to talk about redeployment, and the need for the Iraqis to assume responsibility for their own country.

The American people have also publicly spoken out. They voted for a change of course in Iraq last November and according to recent polls, a majority of Americans oppose a surge. Now I do not believe polling data ought to be the way you conduct foreign policy, but the fact is that the American public is exhausted and fed up, to put it mildly, with our Iraq policy. And let's consider the following data out of Iraq: Over 80 percent of the people in that country believe that our continued presence in that country contributes to the chaos they are facing, and over 60 percent of Iraqis believe it is appropriate to attack American service men and women. Over 60 percent of the people in Iraq believe that.

How do you justify supporting an escalation, a surge in our military presence, when the very people whom we are told we are trying to help in this case believe that, one, we contribute to the chaos, and only a slightly smaller number believe it is appropriate to attack our service men and women? For the life of me, I do not understand how an American President could possibly support a policy that takes us further down that road.

Now we are not just talking about only two options here of escalating or leaving. There are policies that come in far between these two. For example, there have been suggestions about redeployment, with our service men and women filling other roles like training the Iraqi military, which was suggested by Baker-Hamilton. I think we should do this. We could engage in counterterrorism activities. Border security; we could play a very meaningful role in that as well. So there are those of us here who believe we ought to be redeploying, bring down those numbers, but none of us whom I know of have suggested we ought to be just packing our bags over the next 6 months and leaving Iraq. We are talking about other roles we can perform, as the 300,000 Iraqi soldiers and police take over the responsibility of their country.

Madam President, I am telling you as I stand before you today, if we continue to provide the kind of level of support militarily we are engaging in, there is less and less likelihood that the Iraqis are going to assume the responsibility, both politically and militarily, to take over leadership of their country.

For those reasons, I urge that we find a means and a vehicle, sooner rather than later, for this body—the Senate, this coequal branch of Government—to say to the administration and to others: We believe in a different direction. We would like a new authorization. We would like debate on a meaningful proposal that would allow us to be accounted for, yes or no, as to whether you want to move forward.

Again, with all due respect to those who crafted this, I have no greater admiration for any two Members than I do for CARL LEVIN and JOHN WARNER, people I have served with here for many years. I respect immensely the effort they have engaged in here to try to build a proposal that would attract a substantial majority of our colleagues to support. If you could do that, then sense-of-the-Senate resolutions have value. But I rest my case on what is occurring at the very moment I stand before you this afternoon. We are divided here. We have some four or five different resolutions. All of them are sense-of-the-Senate resolutions. None of them have any meaning in law at all. And we cannot seem to come around a single debate. We ought to be having one about whether we believe our resources and our young men's and women's lives ought to be placed in harm's way. That is the debate which ought to be occurring here. It is not occurring yet. I think that is unfortunate. It is tragic. My hope is we will find a means to address that in short order.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for such time as I consume.

The PRESIDING OFFICER. The Senator was allotted 15 minutes. Does the Senator seek UC for more time?

Mr. KERRY. Well, I ask that, yes.

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

Mr. KERRY. I probably will not use more time, but at least I am protected. I thank the Chair.

Mr. President, I listened carefully to the comments of my colleague, the Senator from Connecticut. I appreciate the frustration he expressed about what has gone on in the last hours here and the difficulty of presenting to the country a Senate that appears unable to make up its mind about what resolution we ought to vote on.

The fact is, the last 24 hours in the Senate have not been a profile in courage; they have been a profile in politics. Rather than protect the troops, our colleagues on the other side of the aisle have decided to try to do what they can to protect the President. I think they have made an enormous mistake.

The fact is, if we voted on the Warner resolution, those who support the mission, the escalation—but the mission, as the Senator from Arizona said—have a chance to vote no, and those who believe the escalation is a mistake have an opportunity to vote yes. It just does not get any clearer than that.

No matter what happens with all this argument about the process of one resolution versus another resolution, the bottom line is that people who on Sunday shows and in hearings stand up and say they oppose the escalation were, yesterday, unwilling to allow the Senate to vote on that. They were unwilling to have a vote of conscience on the question of the direction of this war.

So rather than protect the troops, those troops who are about to be sent into a mission that, in fact, does not resolve the issue of Iraq—and perhaps even makes it far more dangerous, certainly more dangerous for those troops being asked to perform it—are not protected by the Senate, making its best effort here to try to make a vote that disagrees with the President.

The Senator from Arizona was down here a few minutes ago asking the question of the majority leader: If you do not support the troops' mission, then aren't you, by definition—if you vote as we would like to vote here—not supporting the troops? That is just an extraordinary leap of logic which has no basis whatsoever in real reasoning.

The Senator from Arizona himself has criticized the policies of this administration time and again—in fact, not enough. But time and again, he has said Mr. Rumsfeld was wrong or he did not have confidence in him or this and that. Was that a criticism of the troops? Was that not supporting the troops? I am absolutely confident the answer is no. I know, and we all know, the Senator from Arizona supports the troops, but he has been able to draw a distinction between criticizing the policy and support for the troops. I will tell you, the best way you support the troops, you support the troops by getting the policy right.

Right now, all over the Hill here in Washington, there are veterans of the Iraq war who are going around and talking to Congressmen and Senators and the public, advocating that this mission in Iraq ought to change, that we ought to begin a process of terminating our involvement there. They have a very different view of their own service than that which is expressed by some on the other side of the aisle. The fact is, there is a growing sentiment among many of those being asked to do this very difficult job that the missions they are being sent on don't, in fact, always make sense.

I remember—and I know the Senator from Arizona remembers—what it is like to be a troop in a war. I remember being on a river in Vietnam when the Secretary of Defense was flying over us on one of his visits to take a look at what was going on. Every single one of us said to each other: Boy, wouldn't it be great if he came down here and talked to us and found out what we really think is going on. We would have loved the policy to change. The fact is that more and more of the veterans I have talked to who are returning from Iraq and some, regrettably, as Senator DODD and I noticed a few days ago, whom we met over there who have not returned alive, are against what is happening and believe there is a better way to manage this war.

What we are trying to do is have a vote, albeit on a nonbinding resolution, a vote that expresses the view of the Senate with respect to this war. We have a moral obligation to make that statement in the Senate. It is our duty to have that vote. The soldiers in Iraq are performing their duty. Why aren't the Senators in the Senate performing theirs? Is it their duty to obstruct? Is it their duty to protect the President, to prevent a vote? Even though they go out publicly and talk about their opposition to the war, their opposition to the escalation, their belief that the direction is wrong, we are not supposed to vote in the Senate on the question of whether you support the troops or don't support the troops by sending an additional 21,000 troops over there. Now is the time for the Senate to register its opposition to the escalation.

If you pursue the logic of the other side of the aisle when they say: Well, we can't have a vote here, we shouldn't express anything, we shouldn't try to change anything, then we are complicit in the very process with which we disagree. If lives are lost subsequent to our unwillingness to stand up and vote, do we bear any responsibility for the loss of those lives? Do you go home and say to yourself at night, to your wife or your children: Do you know I did everything possible to try to stop what is happening? When you make the next phone call to a mother or father or wife in your State and express your sorrow for their loss in the next days ahead, will you also be able to say, with a clear conscience, that you did your best to try to prevent that loss, to set this war on its proper course? I don't think so. I don't think anybody, with a clear conscience, can say that.

I hate the fact that we are reduced to having a vote on something that isn't at this moment going to change the direction. But every step is incremental; every step is a building block. Every step helps to build the change of opinion we need to achieve in this country, where people will understand the way you best define patriotism and the way you best defend the interests of our troops on the ground in Iraq. Surely, we haven't reached a point in the Senate where you can't even have a debate on the most important life-and-death issue facing people in this country. What are we supposed to do? Pack up and go home and let the President continue to make a mistake? Are we supposed to be somehow satisfied that the President has earned the right and the new Secretary of Defense? Who knows yet; the decision is out. But the record of the last 5 years, 6 years is one of mistake after mistake after mistake after mistake after mistake, one after the other, from the planning to the numbers of troops, to what you do afterwards, to how you preserve the peace, to what kind of politics we are going to pursue.

So we are doing what we can, within our limited power, with 60-vote restrictions, to register our disapproval to sending an additional number of troops, which has been told to the American people is 21,000 but which, in fact, is over 40,000 when you finish with the support troops who are necessary. These troops deserve a policy that is worthy of their sacrifice. No Senator that I know of is not committed to success. We would like to be successful. But what is the definition of success now?

We have heard month after month from Ambassador Khalilizad. General Casey, over 7 months ago, said this is the last 6 months for Iraq. They have a fundamental 6-month period within which they have to get their act together, and if they don't, serious problems.

That time came and passed. What happened? We hear another promise of the next few months. We have had months and even years now of these promises about how this is a moment of turning the corner. This is the critical moment for Iraq. This is the moment of the difference. Everybody has known for the whole last year or more that you have to resolve the oil revenues issue. As I stand on the floor tonight, the oil revenues issue is not resolved. They say they are making progress, they are getting closer, but it isn't resolved.

The fundamental question of federalism, the role between the Shia and

the Sunni and a strong Baghdad and a strong central government is unresolved. That is a fundamental part of the struggle. Our troops, with their technology, with their great weapons, with their unbelievable willingness to sacrifice and their courage, they can't resolve that issue. Iraqi politicians have to resolve that issue. Right now, as we are debating or not debating this issue, Iraqi politicians are still jockeying for power at the expense of our young men and women. I object to that. I get angry that we have to have a private fundraising effort to put together a rehab for our soldiers—thank God for the people who did it—in order to take care of those who are going to be wounded. And our people are talking about patriotism and supporting the troops? We have lost all contact with what is reasonable or what is real in this effort.

It is unacceptable that any young American ought to be giving their life or going through the sacrifice for Iraqi politicians who refuse to compromise, for a legislature that refuses to even meet. Less than 50 percent of them can be convened, a Parliament that doesn't meet, that is the democracy we are supposedly fighting for—Shia and Sunni politicians who are jockeying amongst each other, creating their own militias, each of them playing for a future with a U.S. security blanket lying over it, preventing the full explosion of the kind of sectarian violence that would flow, if all were left to their own devices. That is the one thing our presence is doing. There is a stopgap. It does prevent absolute chaos, but it is creating a slow, cancerous, insidious kind of chaos that is building on itself.

A couple of days ago, the largest number of civilians were killed by a bomb, by one single suicide bomb. It gets worse by the day because the fundamental issues of difference between people who have always lived there and will live there after we are gone are not resolved.

If you stand back from this and look at it and ask, as any reasonable American would ask: What do you do to resolve this, what do you do to make a difference in Iraq, I don't think any American is going to come to the conclusion that a soldier with a gun is going to make that difference. General Casey has told us he doesn't believe it will make the difference. General Abizaid said he didn't think it would make a difference. The President has even said there is no military solution. So if there is indeed no military solution, my question to this administration is: Where is the robust diplomacy and the robust political jawboning, arm twisting that is necessary to get a solution? Where is it? It is invisible to the average American.

If we don't get serious about that diplomacy, if we don't have a summit that some of us have been calling for for 3 years, and that is ultimately the only way to resolve these differences, then our soldiers are being sacrificed and being asked to sacrifice each day without a reasonable policy that is guiding this war.

What are we left to do? Are we left to say that our colleagues can stop a vote? We are going to walk away, and we are not going to try to do what we can to change this or to stop it? I don't think so. That is not the Senate that I came to serve in or I think most of our colleagues came to serve in. This is a silly sort of process that is going back and forth.

If you are opposed to the escalation, you ought to have a right to vote on it. If you are for it, you will have the right to vote for it. Go register your vote and then go out to the country. The troops over there are tougher than anybody in this room. They understand what their mission is. And what we do, ultimately, barring the effort to either cut off the funds or force the President to do something with 60 votes that we don't yet have, is not going to change their dedication or their courage or their commitment to the specific mission. Because that is the kind of troops we have.

But while we are talking about the kind of troops we have, let me ask a question: Our troops, most of them, go through basic training. They go through a specialized school. They train with their brigade unit company for a while. Then they are sent over. Most of our troops are ready to go to battle, and some of them do, new recruits, within 7 months, 9 months. We are now at the 3-year mark, 4-year mark on training of 300,000 troops in Iraq. What I hear from the experts is the problem with them is not training. The problem is motivation. How much training do you think the terrorists get? How much training do you think the guys get who have those machine-guns and go out? Where is their training camp? Where are their barracks? Where is their 9-week basic training or 12 weeks? Most of those people are out there in a matter of days and hours because they are motivated.

Right now in the streets of the West Bank and the streets of Lebanon and in the streets of Iraq, the guys we are struggling against are getting up earlier, staying up later, and they have more motivation. And the guys we are supporting and putting forth money and guns and all the technology and all the training in the world are not motivated. Many of them don't show up. So unless we deal with this issue of motivation, of people who are willing to die for their country and people who are willing to go out and put their lives on the line and a group of politicians who are willing to make the decisions necessary to resolve this, this is going to go on and on and on, and it is not going to end well.

Everybody knows what the public assessment is on the latest NIE. People are learning privately what it is. The fact is, these are difficult times over there. This is not getting better. It is getting worse. Twenty-one thousand troops are not going to change that. An escalation is not going to change that. More troops on the ground raises the stakes. More troops on the ground provides more targets. More troops on the ground raises the stakes in a way that says, because we heard it from the administration: Boy, this is kind of our last-ditch stand. And if we don't make this work, we don't know what is going to happen. What a wonderful message to send to the other side.

We are being accused of sending bad messages. If you raise the stakes like that but create a mission and actually can't necessarily achieve it, you are preordaining the potential of even worse consequences because you will make the negotiation even harder. You will make it harder for the surrounding countries to say: This is sensible, we ought to get involved now. And you will make it harder for the people there to make the compromises necessary because they know that down the road is this confrontation with reality with an administration that has already said: We don't have a plan beyond this.

What a predicament. That just defies common sense. So we have made matters worse. We will raise the stakes, but we don't have a way to deal with it. A wing and a prayer. This is a ''Hail Mary'' pass by this administration, with no guarantee. I think our troops deserve some guarantees of an outcome.

The best guarantee I can think of is to redeploy them in a way that puts more emphasis on what the Iraqis need to do. It doesn't mean leaving Iraq completely. There are plenty of over-the-horizon strategies, such as in the desert deployments, a capacity to be there for emergency assistance, to tamp down chaos and go after al-Qaida, an ability to remain in a truly supportive training role without having our troops on the front line of a civil war. But those are not the ones they are putting on the table, and that is not what we hear them talk about.

We hear these two dramatic things: We have to go down this road where we have telegraphed our move and raise the stakes, and saying they are talking about complete withdrawal. No, they are not. Most are talking about how to achieve success in a responsible way which honors the sacrifice of our troops and meets the important national security needs of the United States of America.

The only way I know of to do that is to get to the diplomatic table; bring our neighbors into a new dynamic where they begin to have credibility; get Syria and others through the Arab League, the U.N, Perm 5, and begin a process of legitimate diplomacy, such as we have read about in the history books of our Nation for years. The great diplomats of our country are aghast at what we are doing now. Listen to any number of them privately, some who served in the administration of George Herbert Walker Bush, the 41st President—Secretaries of State,

such as Jim Baker. Jim Baker is a model in how to build a true coalition. It took him 15 trips to Syria before. On the 15th trip, he finally got President Assad to agree to support what we were engaged in. I am not sure the current Secretary of State has made 15 trips in the last 5 years. I cannot tell you the exact number, but I don't think it is 15 in the years she has been in office, let alone the prior Secretary of State.

Mr. President, we have to get serious about what we are going to do. The fact is, there are over 3,000 young Americans who have now died. I think four were reported in the newspapers yesterday. There will be more tomorrow and the next day. The fact that we are losing young Americans is not a reason to say we should leave. But it is a reason to say we should get the policy right. It is a reason to say we owe them a strategy that supports the sacrifice they are making. We ought to be able to do better than what we are doing now, Mr. President.

So this is really pretty simple. The Iraqi Study Group put forward some 79 recommendations. They have all been cast aside. This was a moment where the President could have brought Democrats to the table, all of us. We could have sat down and come together around, OK, let's put all these recommendations together. These will work, and we are willing to support these. Let's go out jointly and see if we can leverage the full power of the Senate and the Congress and the country behind the kind of strategy we need in the Middle East in order to protect these real interests, which range from Israel, to containing Iran, dealing with the protection of the gulf states, to Lebanon, the fledgling democracy, and obviously to stability in Iraq. We all understand that, not to mention oil and the economy and the other interests that we have. Those are real.

But I respectfully submit that the current policy we are on is recklessly putting those very interests at greater risk. And the measurement of that statement is in the fact that Iran is actually more powerful today as a consequence of what we are doing. Iran loves the fact that we are bogged down in Iraq because it makes it far more difficult for us to play a legitimate card in order to deal with their nuclear ambitions. There is nobody in the world who doubts that. Lebanon is more in jeopardy today, with Hezbollah and Nasrallah in greater positions of threat to the Government and the Prime Minister. Hamas has been in an ascendency in the last months, and we have been unable to move forward with a legitimate entity with which to be able to ultimately make peace. All these things are worse off today than a year ago, than 2 years ago, and worse off than 6 years ago.

If they are worse off, how do you stand there and say this is a good policy, that we ought to keep doing what we are doing, digging a deeper hole, and making it worse? I was over in the Middle East a month ago. I met with leaders of the region. I can tell you that while, yes, they say they don't want a precipitous departure and a crazy consequence of chaos as a result, they also do want the United States to play a sensible, constructive, and legitimate role in resolving the fundamental issues of the region.

So I think a lot of us have had enough of hearing these phony debates about who supports the troops. We all support the troops. This is the best trained military that many of us have ever seen. They are doing an amazing job under difficult circumstances. Again and again, I say that they deserve the support of a Congress that gets this policy right and that fights for them while they are over there and guarantees that when they come home, they don't have to fight for themselves to have the promises that were made to them kept. That is what this is about.

I think we can have a very simple vote. If you are for the escalation and you think it is the right policy, vote no against the resolution. If you are against the policy of escalation and you think it is the wrong policy and you want to be counted, then you ought to vote aye for the resolution. That is a vote we can have tonight, tomorrow, or any time. Most people here know where they stand, but they are unwilling to show the American people and unwilling to hold this President accountable. Shame on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I thank my colleague from Missouri for being so understanding. I will make my comments quite brief.

The entire success of the President's plan of escalation is predicated on the fact that the Iraqi Army is, in fact, reliable. Therefore, in every one of our hearings in our committees—be it the Armed Services Committee, be it the Senate Foreign Relations Committee, be it the Senate Intelligence Committee—I have asked that question of the various witnesses, most of whom are representatives of the administration or representatives of our U.S. military. Up to this moment, not one of the administration witnesses can tell us that the Iraqi Army is, in fact, reliable in a plan that is essential that they are, which is to clear the area, hold the area, and then rebuild the infrastructure. In the clear phase, it is not only the Iraqi Army and the U.S. military—by the way, not in a single unified command but in dual commands of which the Iraqi Army will be the most force in personnel—and I have heard that 60/40 is the ratio; maybe it is more than that—60 percent Iraqi Army and 40 percent U.S. Therefore, it is essential that the Iraqi Army is reliable.

Yet every witness has not been able to tell us that, including up to today's witness, the Secretary of Defense, Secretary Gates, who I think is doing an excellent job. But when I laid this out to him in front of our committee—in this case, the Senate Armed Services Committee—today, his answer was, as of this morning, that we have to wait and see.

Well, I am just a little country lawyer, but doesn't it seem logical that if the President's whole plan is predicated on the reliability of the Iraqi Army, and at this moment we still have to wait and see on the reliability of the Iraqi Army, then is that reason for us to escalate our troops in Baghdad out of 21,000, with some 17,500 going into Baghdad, on a plan that we do not know is going to work?

It is on that basis that this Senator from Florida opposes this troop increase. I have said on this floor several times that the Marine generals in the west of Iraq, in Anbar Province, convinced me that an escalation of troops there would help them, since that is all Sunni, and since the main enemy there is al-Qaida. But that is western Iraq; that is not Baghdad where the sectarian violence is.

Mr. President, I will just conclude my remarks by saying that I think it is our only hope of stabilizing Iraq, that it depends on three successful initiatives: No. 1, an aggressive diplomatic effort led by the U.S. with Iraq and its neighbors to quickly find a political settlement between Iraq's warring factions; two, Iraqis taking responsibility for providing for their own security; three, a massive and effective international reconstruction program.

With regard to the first of these initiatives, an intense diplomatic effort aimed at helping Iraq with a political settlement has been discussed many times by most of our Senators. This Senator believes it must include sufficient autonomy for Iraq's various regions and communities but a stake for all in the central government; an oil revenue sharing law; a reversal of debaathification—partial reversal—and a revised constitutional amendment process.

The lack of a major diplomatic effort to build an international coalition to support a political settlement is truly baffling. Iraq is in a full-blown crisis.

So we need at least one, if not several, high-level special envoys empowered by the President and endorsed by congressional leadership. Working together, they need to be on the ground every day, throughout the Middle East, in Europe and Asia, and at the United Nations.

The goal should be—within a month—to assemble an international conference at which all of Iraq's neighbors and other key nations would endorse the framework of a political settlement.

It became painfully evident to me during my last trip to Iraq that Prime Minister al-Maliki either lacks the will or the nerve to take on the Shiite militias on whose backing he depends for power. For example, his rushed execution of Saddam Hussein—certainly justified, but horribly carried out—spoke

volumes about his insensitivity to the concerns of the Sunnis.

Initiative No. 2: As for Iraqis taking responsibility for their own security, this will only take place if U.S. troops begin to pull back from the primary combat role they now play and shift to an advisory capacity.

Where are those words ringing familiar, Mr. President? From the Iraq study commission, Jim Baker and Lee Hamilton's commission. They offered this recommendation.

Rather than increasing our forces in Iraq, as the President has proposed, we should be transitioning the troops to training and advising Iraqi troops, training and advising antiterrorism missions and border security.

Finally, the third initiative: The massive reconstruction effort requires a reconstruction czar, a person of the highest integrity who will cut through the redtape, demand our agencies produce the results working together and deliver construction assistance quickly and directly to Iraqi communities.

Concurrently, this official should convene a donors conference to elicit pledges of assistance from our international partners and to hold them accountable for delivering this aid quickly.

In short and in summary, the cost of failure in Iraq will be catastrophic in growing threats to us and to our allies and in more American and Iraqi lives lost if we do not awaken to the reality that diplomacy, not a military solution, is what is needed to end the sectarian violence in Iraq.

I wish to paraphrase what the President of the United States, when I was a student in college, President Kennedy, said in 1961: We must always be ready and willing to bear arms to defend our freedoms, but as long as we know what comprises our vital interest or our long-range goals, we have nothing to fear from diplomacy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I spoke briefly this morning about the need to have votes on the Republican resolutions—the Republican Gregg resolution and the bipartisan Lieberman-McCain resolution. It is very important we give the opportunity for this body to go on record saying, No. 1, they do support and will not cut off funding for our troops in Iraq. That needs to be said in the Gregg resolution.

It is unusual and very unfortunate that at this time, when we are actually at war, we are considering resolutions which would say: Well, we don't support sending more troops over. We are actually sending troops over, and there are some who want to say: Well, we don't support the mission; good luck, guys and gals; you are going over, but we don't support what you are doing.

We owe them more than that. We owe them what used to be the baseline in our discussions. Unfortunately, in time of war, we can debate and we should debate. However, the Levin-Warner resolution, the only resolution at this point the majority would let us vote on, sends a wrong message to the insurgents, militia, and, obviously, to our troops.

This is a very serious and difficult situation in Iraq, no question about it. We got the national intelligence estimate, and it says these are tough times. But—and I agree with my colleague from Florida—we cannot afford to fail.

During General Petraeus's testimony before the Armed Services Committee last week, he chillingly described the typical Iraqi terrorist as ''determined, adaptable, barbaric'' and that ''he will try to wait us out.''

And now we are considering a resolution signaling to this enemy that this body doesn't think the terrorists will have to wait too long. By capping the troop strength, this resolution limits the very leaders this body confirmed as fit to lead and determine strategies and levels of troops.

The proponents of the resolution to limit troop strength must now believe that sitting here 8,000 miles away, this body is more equipped than our military leaders to say what our force structure should be in Iraq. That is unacceptable; it is totally unacceptable.

The question has been raised: Will this plan work? There are lots of challenges. It is a challenging situation. The intelligence community, in its National Intelligence Estimate, says there are many difficult factors; it is a complex situation. But they said this is the best we can hope to do. This is our best effort to make sure something comes out that provides a stable Iraq, one that will not be a haven for terrorist groups such as al-Qaida to operate.

The intelligence community was also very forthright, both in the NIE that we received last week and in testimony several weeks earlier in an open hearing of the Intelligence Committee. They said if we cut and run, Iraq would descend into chaos, giving the terrorist groups, such as al-Qaida and probably the Shia terrorist groups, the chance to operate freely in that country. It would lead to slaughter of more and more Iraqis—innocent Iraqis—and it would likely involve the entire region.

It is clear that cutting and running should not be an option. There may be some people who would vote to cut off funding. We ought to let them have a chance at least to say we want to end it now, not we want to tinker with the military strategy so perhaps we can gain some political points at home.

I have heard it said that some of the people who are supporting the Levin-Warner resolution think we should be following the guidelines of the Iraq Study Group. I had the opportunity on Sunday to ask Jim Baker is this military plan the military plan you have supported? He said: Yes, it is.

Others have said we need a new strategy, and I agree. I agree we shouldn't have gone forward with debaathification and disbanding the Iraqi Army. That mistake is behind us. But we need a new strategy that can lead us to victory in Iraq.

It seems to me the place where we want to be is getting the Iraqi Government, al-Maliki and his Sunni and Kurdish counterparts in the Government, to take responsibility and say we are going to establish stability, we are going to end the insurgency. To do that, they have said: We need the support of American troops, not to be on the frontlines—and I agree with those who said we want to move the Iraqis out front when they are stopping the Shia and Sunni violence; that is where they should be. We still have a role, and we can play a very important role in helping to take out the al-Qaida leadership and the other organized international radical Islamist terrorists, whether they be Shia or Sunni, and we can do that. That is part of what the troop surge will do. But we need to have them take over, and we need to train them.

The intelligence community said the police are not ready to take over now. We have found that when we embed American troops, provide American troops in smaller numbers but with Iraqis, they function better. We can help show them how to win, and that is a plan I think we ought to pursue because what is the cost if we lose? Iraq is the center point in the war on terror. And unfortunately, we have no better source than Osama bin Laden, who says:

> I now address my speech to the whole of the Islamic Nation: Listen and understand. The issue is big and the misfortune is momentous. The most important and serious issue today for the whole world is this Third World War, which the Crusader-Zionist coalition began against the Islamic Nation. It is raging in the land of the two rivers. The world's millstone and pillar is in Baghdad, the capital of the caliphate.

That is what he calls Baghdad, ''the capital of the caliphate.'' There are similar transmissions by Ayman al-Zawahiri, who said: ''We must have Iraq as our caliphate.'' So we have to wait. We have to make sure we stabilize the area.

It seems to me this is absolutely the best plan than fiddling around and adopting a resolution that says, no, we don't need 21,000 more troops. Some of the same people who said earlier this year and last year that we need more troops now are saying no, no, 21,000 more troops is not necessary. Whom are we going to believe, someone standing on the floor of the Senate or the commanding general who has responsibility for making sure that our troops accomplish their mission and they are safe? If he says we need those troops, I wish to vote for a resolution that says we need those troops. I wish to vote for a resolution that says we shouldn't cut off funding; we need to support our troops when they are in the field.

What is at stake in this resolution deserves a commitment that goes far

beyond what the political pundits and political operatives pontificate in Washington. I don't say all the people supporting this resolution have a desire to undercut our troops, to send the wrong message to our allies in the region or to encourage al-Qaida and Jaysh al-Mahdi. But, unfortunately, that is what this resolution can do.

I had the honor today of talking with the head of the intelligence agency of one of our allies in the region. I said: What message would it send to your country if we adopt a resolution saying the President can't send over more troops? He said: That would be very bad because we want to see peace and stability survive in Iraq. It is vitally important to the entire region, and we are prepared to help the coalition make sure stability is achieved. We want to make sure Iran doesn't take over that country, that chaos doesn't ensue, and we—and he was speaking for several of the countries in the region—we want to provide aid to help rebuild the economy so there will be a stable economy because a stable economy is one of the best ways to convince people they don't need to get 25 bucks from setting out an improvised explosive device along the roadside.

So we would be sending a bad message to our allies, and we would be sending a message of great hope to the people of al-Qaida.

That is not what we ought to be doing, Mr. President. What is at stake deserves a commitment that goes far beyond the political pundits. Those who call for an end to the war don't want to talk about the fact that the war in Iraq will not end but, in fact, will only grow more dangerous if we leave with that country in chaos.

So as we debate these resolutions, Congress's role in the Iraq policy is clear: Either Congress needs to exercise its constitutional powers of the purse and cut funding for the operations of the troops, which is madness, or get behind them. We shouldn't confirm General Petraeus and then say: Oh, but we don't support your plan. So if we are not using our power of the purse to cut off funds and force a hasty withdrawal, what are we doing? Are we telling 21,000 brave men and women who will be going to Iraq that we are uncomfortable with the dangerous mission you are about to undertake but not offering any alternative? I am sure our troops would find that encouraging.

Simply put, this may be a situation where there are good politics, but these good politics equal bad policy. Politics are trumping good policy.

A headline in today's Roll Call reads: ''Democrats to Launch PR Blitz on Iraq Vote.''

> . . . Senate Democrats are launching a national public relations campaign aimed at tying GOP moderates and incumbents facing difficult 2008 re-election races to Bush in the public's mind, Democratic leadership aides said Monday.

Is that what this is all about? Is that the politics? I think that is a very sad message.

What is at stake is so much bigger than politics, bigger than the 2008 election, and it is a real disservice to our troops to see our national security become a political election gamble.

I previously entered into the RECORD an article about 12 days ago by Robert Kagan, senior associate at the Carnegie Endowment for International Peace and transatlantic fellow at the German Marshall Fund. He wrote a piece saying it is a grand delusion if we think we can walk away from Iraq and not solve it. He went on to say:

> Democratic and Republican Members of Congress are looking for a different kind of political solution: the solution to their problems in presidential primaries and elections almost 2 years off.

This is coming, as he indicates in his article, just as American soldiers are finally beginning the hard job of establishing a measure of peace, security, and order in critical sections of Baghdad.

He goes on to say:

> They have launched attacks on Sunni insurgent strongholds and begun reining in Moqtada al-Sadr's militia.

And, finally, he concludes, and it is fitting advice for this body:

> Politicians in both parties should realize that success in this mission is in their interest, as well as the Nation's. Here's a wild idea: Forget the political posturing, be responsible, and provide the moral and material support our forces need and expect.

Mr. President, I hope we will vote on resolutions that do that.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, you have just heard an extraordinary speech, and I want to put it in perspective, if I may.

There was a Foreign Relations Committee meeting several weeks ago at which one of the Senators insinuated that the Secretary of State didn't understand this war because she didn't have enough of a personal interest. Well, we thought that was an unfair question because this is a woman who is spending 24 hours a day, 7 days a week, trying to do the right thing for our country, and that was considered a personal thing that was out of line.

We have just now heard a U.S. Senator make a speech that was a wonderful, principled speech on the merits of what he is going to support in this war effort, the resolution that will come before us, and he never mentioned that he had a personal interest. So I want to mention it. I want to mention Sam Bond.

Sam Bond is a Princeton graduate. He is the light of Senator KIT BOND's life. He is his only child, his only son. Sam Bond has been a star from the day he was born, and we have all heard about it. Sam Bond graduated from Princeton University, and he didn't get a job on Wall Street to then sign up to go to business school. No, Sam Bond signed up for the Marine Corps.

Sam Bond has spent 1 year in Iraq already, in Fallujah, and he is going back in 1 month. Sam Bond is going back to Iraq in 1 month, and we just heard the Senator from Missouri not even mention his only son because he is talking about what is right for our country. He believes that Sam Bond's future depends on our doing the right thing in Iraq. So I applaud Senator BOND, and I applaud Sam Bond.

I want to talk about the resolution that we are going to vote on at some point. First, I think Senator BOND is correct; that we ought to have the right to vote on at least two resolutions, not just one that is unamendable. This is, as we have been reminded time and time and time again, the most important issue raging in our country and maybe the world today. So I think having two resolutions, or one amendable resolution, is a legitimate request because there are legitimate differences of opinion. There are legitimate debatable issues that I think the Senate is capable of putting forth for our country, representing the division in our country on this important issue.

Some people say we should never have gone into Iraq. In hindsight, it is an easy thing to say. Let's remember what we were looking at as Senators, and let's look at what the President was looking at as the Commander in Chief of this Nation, whose responsibility it is to protect the people of this country. The buck stopped on the President's desk.

I don't agree with everything the President has done. Not one person on the Senate floor agrees with everything the President has done. But I will tell you this: no one—no one—can ever say this President isn't committed to one thing, paramount in all of his responsibilities, and that is to protect the people of the United States. He is doing what he thinks is best to protect our children and freedom for our way of life.

When he went into Iraq, many people questioned whether it was the appropriate thing to do. I did myself. But the President had just been through 9/11, where we saw airplanes used as weapons of mass destruction that killed thousands of Americans and people working in New York City. So he said, to look at it from his view: I can't afford to take a chance that a weapon of mass destruction would hit America again, only this time it would be a chemical or a biological weapon.

I believe that is what the President was thinking. He knew that Saddam Hussein had chemical weapons, had used them on his own people and had kicked the weapons inspectors out in 1998. He had kicked the weapons inspectors out. Why would he have done that, was the thinking, if he didn't have something to hide?

Then there were the intelligence reports. There were the intelligence reports that we saw and there were the intelligence reports that the President

received which were at a much higher level than even we were able to get. All of that pointed to Saddam Hussein having weapons of mass destruction and the capability to deliver them. So it is a legitimate debate to ask why are we there, but it is not the debate we ought to be having today.

The debate we ought to be having today is what should we do to have success in Iraq because success in Iraq and Afghanistan is a part of the war on terror.

After 9/11, we didn't treat what happened as a criminal act. In 1993, after the first World Trade Center bombing, that is what America did. We treated it as a criminal act. America didn't know this was the beginning of a war on terror. Then there was Khobar Towers, attacked in Saudi Arabia, and 19 American soldiers killed. We treated it as a criminal act. There was the bombing of our embassies, and then there was the USS *Cole*. We treated those as criminal acts. But America woke up on 9/11/2001 and realized, finally, 10 years after the war had started, that America and our way of life was under attack. This was not a crime, it was the continuation of a war.

So we are there now. We are not succeeding. Success would be a stabilized Iraq, an Iraq where people can go to the market in security and buy food or necessities and visit and have coffee on the street. That is what success in Iraq will be. Success in Iraq will be when they have self-governance. Success in Iraq will be when there are not security forces that kill people of a different sect. Success in Iraq will be when they are a stable neighbor in the Middle East and terrorists will not be able to get a foothold.

We are not succeeding yet. How can we do better? We should be debating how we can do better to succeed. If victory is not the end result, we will have failed our children and grandchildren. So I ask, what could possibly be the purpose of passing a resolution in what has been considered the world's most deliberative body that would send General Petraeus to take charge of Baghdad and a new strategy and say, General Petraeus, we have faith in you but not the mission? That is not the right resolution to pass in this Senate.

I hope we can debate that resolution, and I hope we can debate against those who would send a signal to our troops that we don't have faith in the possibility of success in their mission. I want to debate a resolution that would say we are not going to send any more troops, and even if we need troop protection we are not going to send those troops because Congress is going to take the place of the Commander in Chief and the generals on the ground.

I want to debate a resolution that would cut off funding for our troops in the field. I would like to debate what would happen to our troops who are there now if a signal were sent that we were not going to give them the support they needed to do the job they have right now.

I very much hope that we will be able to take up the Levin-Warner resolution, and I hope we will be able to take up an alternative which will not have amendments because those are not in order. But we must have the ability to exercise a voice that would go in a different direction, that would set benchmarks for what the Iraqi Government must do if they want America to stay and help them become strong and stable and free.

I want to be able to debate also the McCain-Lieberman resolution because I think there will be a clear choice. And I hope that we have the opportunity to bring that out to the American people because there are consequences of setting a timetable and trying to have some kind of graceful exit strategy that basically says this is too tough for America, we just can't take it and, therefore, we are going to walk away.

How about keeping our commitments, so that our allies and our enemies will know, when they are partners with America or enemies of America, we will stick through thick and thin, arm in arm with our allies and be formidable against our enemies? How about having a strategy that says we have not succeeded in the way this has gone, so here is a different approach? We expect the Iraqis to stand up now. We are going to help you, but you must lead. You must meet certain benchmarks if you are going to keep us helping you help yourselves.

We want the Iraqi people to succeed because we don't want terrorists to takeover Iraq, get the oil revenue and come and deliver their weapons of mass destruction to America. That is what we are talking about. That is what is at stake in this war. How we execute our responsibilities as Senators who have the leadership mantle is going to determine how successful our troops can be.

I hope we can have that debate. I hope we can have the debate on the Levin-Warner resolution. I hope we can have a debate on the Gregg resolution. I hope we can have a debate on the McCain-Lieberman-Lindsey Graham resolution because I think it would be the right thing for the American people. But don't try to put one resolution on the floor with no amendments and call that an opportunity to have a voice. No one could keep a straight face and say that is a fair process.

There are 100 Members of the Senate. I do not question one Member's patriotism. I do not question the motives of one Member. Everyone has a view that we believe is the right way for our country. We ought to be able to support resolutions that put forward those views. This is too important to have a struggle over process keep us from having the ability to come together and try to reason and pass one good resolution or two that would allow us to have a voice in this debate. The world is going to listen to what we say. I hope we don't send the wrong signal to our allies or to our enemies that America cannot stand it when it gets tough. America is the beacon of freedom to the world. If we do not stand and fight for freedom, who will? America must never step back from that mantle and that responsibility. Freedom will die everywhere if we don't fight and keep it for America and our allies.

Let's have that debate. Let's have that debate on whatever differing resolutions come forward. I am not afraid to debate the Levin-Warner resolution, and I am certainly proud to support the Gregg and the McCain-Lieberman resolutions. I wish to talk more about it.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am dismayed at where we now stand. Last fall, the people of the United States sent a message to the President of the United States that the current course of his war in Iraq is deeply misguided and that bold, new solutions are called for. The President failed to listen. Yesterday, the Senate, this historic institution, was prevented from speaking.

What we say in this historic Chamber about our course in Iraq, and even more what I hope we will do in this Chamber to correct that course, are among the most urgent concerns of the community of nations. It matters to millions of Americans who have already raised their voices in concern at a strategy lacking in foresight and cratered with flaws. It matters to millions more souls throughout the world whose lives, whose hopes, whose futures depend on American leadership and authority.

But we are silenced as a Senate, silenced because yesterday, on the single most important issue facing America today, on the issue that has cost more than 3,000 young Americans their lives, tens of thousands more their limbs and livelihoods, and countless families their well-being—on the issue where this President has squandered so much of our national Treasury and national good will—the Senate was silent. It was silenced by a parliamentary maneuver.

The people we represent deserve better from us. As you know, I am new to this body, but each time I step through these doors, I bring with me the hopes and expectations of thousands of Rhode Islanders I have heard who know it is time for a new direction in Iraq. Tired of a President who has failed to listen and failed to learn, last November, they joined millions of their countrymen and voted for change.

Whenever I think of these men and women, I am filled with an enormous sense of responsibility. They trusted me to hear their voices and to make sure the Senate hears them too. So I speak today. I share Rhode Island's conviction that it is time for a change of course. Our troops and their families

have made countless sacrifices, and our choices in this Chamber must be worthy of them.

The situation in Iraq is dire, rife with sectarian conflict that can only be resolved by Iraqi political cooperation, not by American military force. A broad consensus has emerged from senior military commanders to the bipartisan Iraq Study Group and throughout the American people that our best course would be to begin to redeploy American troops out of Iraq. Instead, the President has insisted on a costly strategy of escalation that would send more of our soldiers into harm's way. I believe that to be a terrible mistake.

It is my deeply held conviction that in order to create the best environment for real change, the President must announce, clearly and unequivocally, that the United States plans to redeploy our troops from Iraq. That announcement would change the dynamic, enhancing our national security position in Iraq, in the Middle East, and throughout the world in three important ways.

First, a clear statement of American intent to redeploy forces from Iraq would eliminate the Iraqi insurgents' case that we are an army of occupation. It would eliminate it once and forever. The Iraqi population's nationalist sentiment would no longer be engaged against us. The Iraqi people don't want us there, and a majority of them consequently believe it is acceptable to kill American soldiers. That is not an environment in which we can gain likely success.

Second, without a buffering American presence, the world community would understand it must face the consequences of the Iraq situation. Other nations in the region and elsewhere around the world would be motivated to take a more active role to work together to bring peace and stability to the region. Now, for all intents and purposes, we are alone.

In particular, Arab nations, facing the risk of a pan-Arabic, Sunni-Shiite conflict igniting in Iraq, must then assume greater responsibility for averting such an outcome. Under current U.S. policy, these Arab countries have little incentive to help calm the conflict or reduce the violence. Any incentive they have is buffered by America's role as the peacekeeper and offset by the cost, in so many eyes, of even associating with the United States.

Third, Iran presently gains immensely from fomenting violence in Iraq. Keeping America bogged down in a civil war in Iraq undermines critical U.S. policy objectives, including the effort to work effectively with the international community to address the serious threat posed by Iran's nuclear weapons program. The threat of American redeployment changes that calculation for Iran. The advantages Iran currently enjoys from bogging America down in Iraq would diminish or evaporate.

Some argue—we hear it right in this Chamber—that to fail to support this President's judgment is to fail to support the troops. Never mind the manifest and repeated flaws in that judgment: Misjudgment on weapons of mass destruction; misjudgment on when the mission was completed; misjudgment on the risks, costs, and demands of occupation; misjudgment on the wisdom of de-Baathification; misjudgment that the insurgency was in its last throes; and now misjudgment on whether there is civil war. There has never been a record of error, failure, and falsity similar to it. Now, the unfortunate fact is the President's bad misjudgments and failed diplomacy leave us few good options.

Changing the Iraq dynamic can set the stage for an aggressive international diplomatic effort to restore security in Iraq and combat terrorism worldwide. An intense diplomatic effort, with the parties thus motivated by the prospect of American redeployment, is our best remaining real chance for success. It will also staunch the hemorrhage of two critical American assets: Our international standing and our national Treasury—and most importantly, it will bring our troops home.

Without such a change in the dynamic, we are likely to remain trapped there, seen by many as more provocative than helpful, a great nation ensnared. For the safety of our troops, the stability of the region and the security of our Nation, that must not happen.

The situation in Iraq is grave and deteriorating. It undermines our national security by hurting our troops and their families, by diverting our attention from al-Qaida and other critical threats, and by degrading our military capability for other actions. The Iraq quagmire demands a new strategy that is both bold and realistic. If we lead boldly, sensitively, and firmly on the diplomatic front, if we speak, again, in realities instead of slogans, if we build consensus instead of polarizing nations, we can restore America's prestige, leadership, and good will. The President's escalation does not help achieve these goals, and yesterday the Senate had the opportunity to say so. We did not. We were silenced—silenced by parliamentary maneuver.

The Senate has been called the world's greatest deliberative body. Let us deliberate. The debate over our course in Iraq echoes all over the world, from world capitals to the kitchen tables of middle America—everywhere except this silenced Chamber.

Mr. President, I call on my colleagues on the other side of the aisle to stop the stalling and allow this body to deliberate. Ultimately, the free and unfettered clash of ideas that a real Senate debate represents is exactly what our troops in Iraq are fighting for.

Let us, in this historic Chamber, not undermine their sacrifice with our silence.

For my part, it remains my view that announcing our intent to bring our soldiers home will help us start down the long road toward renewed American strength and leadership in the region and in the world. It is a critical journey, and it is long past time to begin.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

SOURCES OF ENERGY IN AMERICA

Mr. GRASSLEY. Mr. President, every time a President gives a State of the Union message, there are a lot of people who praise it, there are a lot of people who disagree with it. One of the areas where there was some agreement—but also a lot of disagreement—was on the energy package the President suggested in his State of the Union message. Since I come from a State that is No. 1 in almost all of the alternative energies such as biodiesel, such as wind—we are third in wind energy, we are first in biodiesel, we are first in ethanol production—I would like to set the record straight and encourage people to see that a lot of good has been accomplished over the last several years and that we ought to forget a lot of disagreeing rhetoric and move on and even enhance what we have already done. So I am here to address an issue President Bush mentioned in his State of the Union message and an issue that those particularly on the other side of the aisle have been quick to criticize.

In the President's speech to the Nation, he once again highlighted the need for the United States to reduce our dependence upon foreign oil. This has been something that Presidents have been stating on a very regular basis, both Republican and Democratic, going back to 1973, when President Nixon gave a speech, during the first energy crisis, speaking about energy independence. Of course, President Nixon was saying we can do it by 1980. I don't know why he picked that date, but actually we are much more dependent upon foreign sources now than we were even in 1980 because of the consumption of the United States and the standard of living we have. People want to be free to drive their car wherever they want to drive it as long as they want to. Whether it is a big car or little car, it is freedom in America to do it, so we become more dependent. But also along the lines of alternative energy, we have made tremendous progress.

So President Bush did not do anything that Presidents probably haven't been doing for the last 34 years, in saying we need to move toward energy independence, but what they mean is less dependence upon foreign sources and less dependence upon petroleum. Because I would be misleading my colleagues, I would be misleading my constituents if I said we have the capability—at least I don't know that we have the capability—of being totally independent of foreign sources of energy, but we surely have the capability

of being less dependent upon foreign sources of energy, and we have the capability of being less dependent upon petroleum as a basis of our energy.

So the critics, though, it seems, have been quick to point out that the President has mentioned our dangerous dependence on foreign oil in seven straight addresses to the Congress. That is why I pointed out that every President since President Nixon has been talking about this issue. So it is not just President Bush who has been mentioning it and, presumably and impliedly, not doing anything about it. I wish to remind my colleagues he has also talked about the value of domestic, homegrown, renewable sources. But at the same time, there has been criticism that he has done little to actually support the growth of alternative energy. I say my colleagues are wrong.

I am going to quote Senators, but I am not going to mention their names because I am not here to embarrass anybody; I am here to try to get people to be responsible. I do wish to refer to these as all Members of the Democratic Party, but I am not going to mention their names. One Democratic Senator stated after the President's speech last week:

> The President acknowledged the need to develop alternative energy, but he did not offer a real plan to put us on the path to energy independence.

Now, I am going to show my colleagues how the President has been very much involved in this.

Another Democratic Senator stated:

> So many of us believe that though the President continues to refer to the problem—

Meaning the problem of not being energy independent enough—

> he has never quite moved us—

Never quite moved us—

> as we would like in the direction of a solution. We did little or nothing in Washington to address the addiction.

Maybe he hasn't addressed the addiction, but because there is an addiction, he has tried to make us less dependent upon a petroleum addiction, as opposed to an energy addiction.

Finally—and I could go on and quote many more, but I will stop at the third one—one more Democratic Senator commented:

> We have waited 6 long years for the aggressive new incentives needed to really get our biofuels industries off the ground and break America's oil addiction.

Of all the statements I have quoted, it seems to me that is the one that is flatout intellectually dishonest, as I am going to give some facts here. The facts would suggest otherwise. The fact is the ethanol industry is growing at the fastest pace in its history. There are over 110 ethanol facilities operated across the country. These plants have the capacity to produce 5.3 billion gallons of ethanol annually. I said 110—110 ethanol facilities. We only have 170 petroleum refineries to make gasoline and fuel oil in this country. So I think we are developing an industry.

Here my colleagues can see the States that are darker, where the ethanol industry is being located. Iowa is No. 1, my State is No. 1 in the production of ethanol, but it is rapidly expanding. I still remember 3 or 4 years ago, or maybe it has only been 2 years ago now, when we had Members from this State and Members from this State who would stand up here and offer amendments against ethanol, and it wasn't long that once we got into the point where everybody realized they had to use ethanol, we had Members from this State and we had Members from this State saying to Senator HARKIN and me: Why don't you get us more ethanol, as an example. So people are becoming more ethanol friendly, but it seems you have to take them dragging and screaming into the new world of alternative energy.

So we have a developing industry. Twenty-three States currently have ethanol plants in operation or under construction. Today, there is some level of ethanol blended in more than 46 percent of our Nation's fuel. In my State, that would be about 80 percent. In Minnesota, I will bet it is more because Minnesota has a State mandate. I have been embarrassed because when the Republicans controlled the State legislature and I went to them and said we ought to be doing what Minnesota is smart enough to do, I had Republican legislators tell me: GRASSLEY, go back to Washington and stick to your own business. But I told them how I fought for the ethanol industry and alternative fuel and for the agricultural industry because that is where the source of the energy comes from, from the family farmers of America, and I told them it was embarrassing to me to fight big oil here while they were kowtowing to big oil back in Des Moines.

Well, anyway, I think things are going to be moving along. We have a Democratic Governor who wants to do more with the biofuel industry in my State, and I think we are going to make some progress. We may not have a mandate, but we may not need a mandate now.

I wish to talk about where we are located. Now, according to the Renewable Fuels Association, the ethanol produced in 2006 resulted in the reduction of oil imports by 170 million barrels of oil, with a value of $11.2 billion. Remember, $11.2 billion being spent on ethanol that is not going to the Middle East to produce a profit for the oil barons over there who shoot bullets at our soldiers as we are trying to take on the war on terrorism.

Now, I say to the critics on the other side—the other side chooses, as evidenced by the earlier statements I quoted of Democratic Senators—to ignore this data when they discuss the energy track record of President Bush and the Republican-controlled Congress in past years.

I was cynical when there was a Governor Bush running for President and coming to Iowa to campaign saying he would be for anything but big oil. So I had the opportunity in January of 2000, when we have our caucuses in the coldest time of the year, to be in a minivan with President Bush, as a candidate for the Republican caucuses at that time, to ride with him for 2 or 3 days. I thought, what a wonderful opportunity to be in a small car with a Governor who might be President of the United States, to teach him about the facts of ethanol. It didn't take me very long because he came back—and you never remember the exact quotes because I didn't write this stuff down. But I remember him saying something along the effect of: Well, it is just common sense. We only have so much petroleum. We have to start relying on ethanol to a greater extent. I guess I believed him then, but maybe I had some question marks. So we went on for 2 or 3 days, and there wasn't anything in those 2 or 3 days to change my mind. But you wonder: you say one thing as a candidate; you might perform another thing as an officeholder. But I found back in 2000 that the President was a friend of ethanol when he told me about it, and he has performed that way in office. So I am satisfied that this President is coming from where he started and albeit from a State where oil is big business and where you wouldn't expect him to be for it, but he has been a friend, as he indicated to me privately he was going to be. I think this President has done well for alternative fuel. So I don't think the criticism of him is legitimate.

The fact is that when President Clinton left office in 2000, our farmers were only producing 1.6 billions of gallons of ethanol. Now, I am not saying President Clinton was not friendly to ethanol. He was friendly to ethanol. But I think there are degrees of friendliness. But for the people on the other side of the aisle who tend to be criticizing this President, I want them to see where we have come since this President took office. During the 8 years of the Clinton presidency, domestic ethanol production grew 33 percent, as my colleagues can see here. Now, when we compare that to what it is since President Bush came to office in January 2001, the domestic ethanol industry is producing 1.7 billion gallons annually. That grew to 4.9 gallons last year. When President Bush leaves office—this chart is somewhat of an estimate, but we think it is on target because the plants are coming online and ethanol is catching on and the need for ethanol is very real—we think this will grow to 10 billion gallons. That is a 488-percent increase during this period of time compared to a 33-percent increase.

I am not belittling President Clinton's efforts, but I think people on the other side of the aisle ought to take into consideration when they are raising a question about whether we have done enough in recent years about alternative energy these facts and this growth and not belittle this growth that seems to me is going on. This growth is no accident.

In fact, a key turning point took place in March of 2001 when President Bush took a courageous step that President Clinton should have taken but did not take during the last year of his Presidency. In 1999, the big State of California, with a tremendous consumption of fuel for automobiles and energy—generally, the State of California, at that time, was deciding to ban the competitor to ethanol as an octane enhancer that is known by the acronym MTBE. It stands for methyl tertiary-butyl ether. It was found to contaminate ground water.

Obviously, California had to quit using it, but they did not want to substitute ethanol. According to the 1990 Clean Air Act, they had to substitute ethanol without a waiver by the President or Congress. They were asking for that waiver. It did not happen, so we did not know where the ethanol industry sat versus the MTBE, so ethanol did not benefit the way it could have if President Clinton had made a decision.

California Governor Gray Davis did not want his citizens to have to use ethanol—which the 1990 law required—and he petitioned Clinton for that waiver. While many of my colleagues and I lobbied President Clinton to deny the waiver, he took no action. When President Clinton had the opportunity to demonstrate his confidence in our Nation's farmers and ranchers to produce this clean renewable alternative energy, President Clinton was nowhere to be found.

That changed when Governor George Bush was elected President. Less than 90 days into his term as President, George Bush denied the waiver which put the ethanol industry firmly on a path to growth because California uses so much energy.

Along the way, Congress considered and enacted a number of incentives and supportive policies to foster the development of this important industry. In August 2005, President Bush signed into law the Energy Policy Act which included the renewable fuels standard, or RFS, for short. This provision was a culmination of the work of dozens of Senators during a period that spanned three Congresses. It has also been key to the growth of the domestic ethanol industry.

The effort to enact a strong renewable fuels standard was bipartisan, but it was approved by the majority Republican Congress with the help of President Bush.

During the consideration of the Energy Policy Act, President Bush asked Congress for a bill that would help diversify the U.S. away from crude oil. He put his public support behind the renewable fuels standard to require the use of ethanol and/or biodiesel. The President supported our efforts toward a renewable fuels standard because he recognized that increasing our use of ethanol and biodiesel would create new markets for farm products and increase our energy security.

During the consideration by the Senate during this period of time—and I referred to this a little bit before—no fewer than 11 amendments were offered by Members of the other side of the aisle to delay, reduce, or render useless the renewable fuels standard which had broad bipartisan support, particularly from those from the Midwest. It was not the Republicans offering these amendments to kill the growth of the domestic renewable fuels market. It was members of the other side, some of whom are the same ones who may be criticizing the President today for not doing enough to decrease dependence upon foreign oil.

Perhaps more ironic is that a strong renewable fuels standard could have been enacted earlier than 2005. In November 2003, an Energy bill conference report came to the Senate with a renewable fuels standard but ran into a filibuster in the Senate. Had there not been a Democratic-led filibuster, what the President signed in August of 2005 would have been signed in November 2003. We would have been 2 years ahead of the game.

In addition to the renewable fuels standard, other provisions enacted in the past 6 years have perhaps done even more to spur the growth of the renewable fuels, particularly ethanol and particularly biodiesel. In 2004, Congress enacted the American Jobs Creation Act. This legislation included modification and extension of the ethanol tax incentive. While improving the incentive, it also extended it through 2010.

In the Energy Policy Act, which the President signed in August of 2005, Congress expanded the incentive for small ethanol producers and created a new credit for small producers of biodiesel. Most recently, Congress extended the tariff on imported ethanol through the year 2008. The tariff ensures that U.S. taxpayers are not subsidizing foreign ethanol and that we continue to grow our domestic production of ethanol.

As a result of the tax incentives, the ethanol import tariff and the renewable fuels standard, the domestic renewable fuels industry, is growing faster than anyone could have ever imagined. The policies put in place by the Congress when Republicans controlled it, with the support and assistance of President Bush, have put this industry on a path of extraordinary growth. We have recognized that renewable fuels, such as ethanol and biodiesel, improve air quality, strengthen national security, reduce the trade deficit, decrease dependence upon the volatile Middle East for oil, expand markets for agricultural products, increase income for farmers, and create good-paying jobs in rural America.

In other words, it is as the Campbell's soup advertisement of 25 years ago: everything about ethanol is good, good, good.

The fact is, President Bush has been the most prorenewable fuels President our country has ever had. I stated earlier when he was a candidate for President coming from big oil Texas and being Governor of that State, would I expect him to be a renewable fuels person in the future? No, because I have been dealing with big oil and fighting them versus ethanol for a long period of time. It is only within the last 3 or 4 years that we had the freedom of not having to fight big oil. Who knows, maybe today we will have to fight big oil again when it comes to some ethanol products for the future, but there has been a lull. I thank President Bush for keeping his word to the people when he promised to be prorenewable fuels.

Getting back to those who claim the renewable fuels industry has lacked attention from President Bush and previous Republican Congresses, I leave with one final point. In the year 2000, the final year of the Clinton administration, we produced 1.6 billion gallons of ethanol. That is nothing negative about President Clinton. He seemed to be, for the most part, very ethanol friendly. But you cannot criticize this President when we have this figure: By the time he leaves office in 2008, we will be producing 10 billion gallons. The policy supported by the Republican Congress led to this growth.

I have proven that I don't want to sit by quietly while the other side tries to say otherwise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Does the Democratic side seek unanimous consent to address the Senate?

Mr. HARKIN. Mr. President, I ask unanimous consent I be permitted to speak as if in morning business for such time as I may consume.

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

IRAQ

Mr. HARKIN. Mr. President, I have been periodically tuning in today during committee hearings and other work we do around here on some of the debate surrounding whether we are going to have a debate on Iraq. It is hard for the average American out there who may be watching C–SPAN to understand whether there is any sanity in this place, whether we are really rational individuals running the Senate.

This is supposed to be the most deliberative body, as we keep calling ourselves, in the world. The function of the Senate is to debate and to discuss, sometimes ad nauseam, different measures. Sometimes we can debate for a long time around here. People in this country wonder what is happening here that the Republicans won't even allow debate on the most important single issue confronting America today: the war in Iraq and the escalation.

I make it clear from the outset to those who may be watching, to try to clear it up as much as possible, the Republicans, through parliamentary maneuvers and through their vote yesterday, will not even allow the Senate to

debate Iraq. I can talk on it if I want to. Of course, I can. But they will not allow us to go to a debate on the Warner resolution, which has very strong bipartisan support, and has a majority of the votes in the Senate.

We are faced with an unusual situation which I don't know has ever occurred here before. A matter which is life and death for so many of our young men and women—disrupting families, causing untold drain on our Federal Treasury, not just now but for years in the future, causing us to lose friends and allies around the world—and we can't even debate it. But that is the situation in which we find ourselves.

I can tell you, over the last few weeks I have had thousands contact my office through e-mails and phone calls. I must say, the vast majority, the overwhelming majority, oppose the President's escalation and the war in Iraq.

Over the last 24 hours, since yesterday, much of their anger and focus has been not so much on the President and his misguided policies but on the Republicans in the Senate who won't allow Members to debate the issue. As one said, we debate this in our workplace, we debate it in the parking lot, we debate it after church on Sunday, we debate it with our neighbors, in our clubs, at the bowling alleys, but you guys can't debate it in the Senate? They just cannot believe that Republican Senators are blocking debate on the No. 1 issue before our Nation.

In a nutshell, what callers are saying to my office is that Senators have a right if they want to support the President's position on the war in Iraq. They have a right to embrace his escalation of the war, but they do not have a right to block legitimate debate in the Senate on whether the escalation is wise or appropriate. They do not have the right to silence the voices of tens of millions of Americans who have had enough of our quagmire in Iraq.

People in Iowa, and I suspect across the country, are saying the election last November was a referendum on the war. Voters spoke loudly and clearly; they want our troops out of the civil war in Iraq. I imagine the American people probably thought their elected leaders in Washington got the message. Well, maybe they see now that the Republican minority in the Senate does not even care about what happened in the election. They want to escalate the war. But that is fine. If that is their choice, that is their choice. But what should not be their choice is to silence debate by a majority of Senators who oppose the escalation in Iraq.

I think this is what got people so upset and are calling and e-mailing my office. People in this country, in times of crisis such as this, are always way ahead of the politicians. They know that by voting against debating the war, the Republican Senators have voted to endorse President Bush's escalation of that war.

It is one thing for Republican Senators to ignore the Iraq Study Group's recommendations. It is one thing for Republican Senators to ignore the results of the November election. It is one thing for them to ignore all the warnings of the generals last year. But what is unacceptable is that Republicans in the Senate refuse to listen to the families of soldiers who are being asked to put their lives on the line for this last and reckless roll of the dice in Iraq.

Among those being committed to the escalation are more than 600 soldiers from the Iowa Army National Guard. Many of them are from the 1st Battalion of the 133rd Infantry headquartered in Waterloo, IA. Other units are from Dubuque, Iowa Falls, Charles City, and Oelwein. These soldiers have been deployed since early last year in Anbar Province, the most violent region in Iraq.

These soldiers were supposed to come home in the spring. But just 1 day after the President announced his escalation, they learned they would not be coming home. Instead, their combat tour in Iraq would be extended to 16 months. Think about that—nearly a year and a half in the middle of some of the most deadly combat in Iraq. To make matters worse, as we now know, many of the soldiers and their families learned about it through the media before they were officially notified.

I want to make it clear, I know some of these members of the Iowa Army National Guard. They are disciplined professionals. Even those who I know profoundly disagree with this escalation, I know they will do their duty. And they are doing their duty in Iraq. They deserve our profound respect and admiration. But they deserve to be listened to. And their families deserve to be listened to.

From the letters, e-mails, and phone calls I have gotten, people are outraged that Republicans are not allowing the Senate to even debate the escalation.

We got some e-mails in, and I started reading some of them. I asked my staff to contact them to see if I could read them on the Senate floor. I would not want to read an e-mail on the floor unless I had permission from the sender.

So I have three letters I am going to read because they are so profound. One is from Barbara—I will not use the last name—in Iowa whose husband is with the 133rd Infantry. This is what she writes:

Senator Harkin: I sit here to write this letter, not knowing why since I'm feeling like no one cares anymore or will be able to do anything about it. I am a 41 year old woman, (as of today), a military wife of 23 years and a mother of 3. My husband is a proud member of the 1–133rd Infantry. This unit was called up to serve in the Sinai for 9 months from April 2003 until January of 2004. Just a short 18 months later they were ripped away from their families once again to be a part of Operation Iraqi Freedom. They are currently serving in Iraq and have been gone for 16 months so far on this mission. The soldiers and the families have finally been feeling like we were seeing the light at the end of the tunnel. As the new year began we all started our countdown for our reunions expected for the first part of April. Three days ago, our worlds came crashing down once again as we learned that our loved ones would not be coming home in April, but were being extended until August, thus being deployed for almost 2 years by the time they return. I am angry, I am devastated! How could this happen? How could you let this happen? How could this be right? I have lost all hope and faith in our government. I don't understand much about politics so my biggest question is if so many people are against this war and the increase of troops being sent over then why is the president not listening? Doesn't he care? I voted for him and believed in him and he has let me down. I attended a meeting that was to discuss this extension and we were told some good things were happening for the future for the guards. Limited times of 12 months being deployed and 5 years in between call ups. Even though I am so happy for these changes for the future, you have to understand that 700 families are devastated right now, feeling left out, and not cared for because this doesn't help our soldiers or us right now. Please, please think about the effects this is having on our soldiers and their families. We all have given so much and though we are proud to have been part of serving our country, it's time for our soldiers to come home. Please bring them home.

Sincerely,

Barbara

The next letter is from Jodi in Iowa. She said:

I have a 20 year old son who has put his life on hold for the past 18 months. He left after only two weeks of his freshman year of college. He deployed to Iraq last April and was due to come home in three months. Now we are told he is to stay another 4 months. I have seen no progress in the Iraqi war and can not justify my son losing another 4 months of his life. I feel it is the lower and middle class people who are providing the men and women who are fighting this war. How many of your fellow congressmen have sons, daughters, husbands, wives, nieces or nephews serving in this war? I have a son, a nephew and a niece in Iraq. They joined the Guard for money so they could attend college, not because they were eager to go to war. They were assured when they signed up that they would not need to worry about being deployed. They do not want nor do we want them to stay longer than what they were told when they left last April. Please help bring my son home. He has served his time and his country and served it well.

Sincerely,

Jodi

Last, I will read a letter from Nikole:

Dear Senator Harkin:

I write to you as the wife of a soldier in the 1–133. My husband, SSG Nicholas . . . , has been stationed in Iraq since the end of March 2006. He also trained at Camp Shelby, Mississippi for five months prior. He was to come home at the beginning of April; however, he has now been extended for an additional four months.

My husband and I have been married for almost six years. He was in the US Army when we married and then joined the Iowa National Guard after exiting the service to continue to serve his country. My husband is 27 years old. He has served eight years in the military. Before his deployment he was a junior at Iowa State University majoring in Community Regional Planning and had plans to attend graduate school.

Our lives have been put on hold during this deployment. We both went into the deployment knowing that it would be difficult, but

we knew that our love would allow us to make it through. Our motivation was the ability to secure our future with financial freedom.

Think about that: ''Our motivation was the ability to secure our future with financial freedom.''

We planned to purchase our first house with the money that we saved.

During his two-week leave in September, we began building a new home. The house was to be finished in February. This would allow me time to move in and decorate just in time for his return. It was PERFECT timing. We would be able to pick up our lives and move on.

As you can imagine, we were both extremely disappointed to hear the news that he would be extended for an additional four months, already a longer time than any other unit deployed to Iraq.

I have not only lost my husband. I have lost my very best friend, my lover, my confident, my motivation and inspiration for life, that one person that knows and understands me the most. I am sure you can relate to someone in your own life.

Sure, my wife.

Now imagine that person being torn away from you for two years and place them in harm's way in a war zone. I act tough to my husband so that he will have one less thing to worry about. However, it IS an act. I miss him. I need him. I am falling apart.

My intention is not to be rude, complain, and say nasty comments. I am sure that you receive enough of those types of letters. I just pray that our story can give you a glimpse into our lives and the effect of the situation. I also pray that by hearing a personal story you will reconsider and allow the 1–133 to return home to their families, their children, their jobs, and continue their lives as American citizens.

Sincerely,

Nikole

Mr. President, I took the time to read those three letters. If we do not speak for these families, who will? If we are not allowed to debate here, are their voices to be silenced? They do not have the right to come here on the Senate floor and speak. I have the right to read their letters, with their permission, but why can't we debate this and speak on behalf of them and so many other families in this country who want their stories told and who want an end to this quagmire in Iraq?

They now know—people are so far ahead of us; they are so far ahead of the politicians around here—they know what is happening. They know that Iraq was a lie; it was a mistake. They know there was never any weapons of mass destruction. They know now that Saddam Hussein, however bad he was, was not involved in acts of terrorism against the United States—against his own people but not against the United States.

They now know that what is happening in Iraq is a civil war. As I was told some years ago by a person from the Emirates—close to there—he said to me: Senator, you have to understand that Iraq was really three countries. It is just a figment of the British imagination that they put it together in the Treaty of Versailles after the First World War. He said: Really it is three countries, the Shias, the Sunnis, and the Kurds. He said: Furthermore, Senator, it is a civil war waiting to happen, and there is nothing you can do about it.

Yes, maybe someone as ruthless as Saddam could put the lid on it for a while. And we would hope they would come to their senses and not have a civil war. They have had an election. They have a parliament. And now it is time for the Iraqis to take matters into their own hands. The longer we are there, the more involved we become, the more it becomes America's war against the Iraqis.

I read the article in the Washington Post this morning about how our troops are now going door-to-door in Iraq, and they just bust in. They busted into the home of a woman who had a master's degree in English translation, whose husband was a major in the Iraqi Army. And she said: Why didn't you just have the courtesy to knock? I would have let you in.

These soldiers are going into homes. They are going into bedrooms and looking under beds, tearing sheets off the beds, looking through dressers of people who have nothing to do with the war. These are just civilians and they happen to be caught in a zone.

You wonder how they feel about us after something like that happens. One soldier was quoted in the paper this morning talking about his first tour of Iraq right after the invasion. He said: Things were fine. We went out with the Iraqi people. Now I go over there and they spit at us, every one of them.

So the people of this country understand that this war was a terrible mistake from the beginning. It has been not only a mistake and a lie to get into it, it has been mismanaged from the very beginning. It has cost over 3,000 of our young men and women's lives. How many Iraqi lives? I am told the count is now way over 50,000, maybe as high as 100,000, with millions more displaced from their homes, going into Jordan. That is going to cause a lot of unrest in Jordan with all the displaced people and refugees there.

The answer is not to continue this miserable escalation the President wants to do. Everyone realizes this won't do it. It is just going to cause more misery, more suffering, cost more money, cost more lives.

That is the kind of debate we want to have. But Republican Senators will not allow us to have the debate or even to have a vote on the resolution of disapproval. We have a duty to debate this escalation, to speak up when we believe the President's policy is wrong. We have a duty to speak up for families, such as the ones whose letters I read, and for the overwhelming majority of Americans who oppose this new escalation. It is unconscionable that Republicans leaders, at the behest of President Bush, are refusing to allow the Senate to debate the escalation in Iraq. It is time for them to listen to the American people and the families of our troops in the field. It is time to stop the obstruction, allow the Senate to debate the Warner resolution, and to have a vote. That is all we are asking for. Vote your conscience. If people want to vote to support the escalation, if they want to speak on behalf of it, that is their right as U.S. Senators. But I hope they don't realize they have a right to silence the voices of millions of Americans who are looking to us to do something, to bring some reasoning, some rational discourse, and some clear thinking to what is happening in Iraq and to confront the truth.

As I said earlier, our young men and women are doing their duty. I know. I have an e-mail I received the other day from a young man in Iraq who has been there for quite a while. I won't use his name because I didn't ask his permission to use the e-mail. He said in his e-mail that he—I am not sure of the word—disagreed with the war. He said: This war is not winnable. The military cannot do this over here. But he is doing his job. He is putting himself in harm's way day after day. They realize this is a bad mistake. You think we would start realizing it around here, too.

War is not the answer in Iraq. Diplomacy is, bringing in other countries. Does it mean we have to talk with Iran? I have no problem with that. The President once said he didn't want to talk to Iran because they were our enemies. I guess all we want to talk to is our friends. If I disagree with someone here, I want to talk to that person. I want to find out why. Is there any way we can reach resolution? So we ought to be talking with Syria and Jordan and Iran, Iraq, of course, Turkey, Syria—all the countries around there. We ought to be talking to them. And there ought to be a more concerted effort on the diplomatic side than there is on the military side. We are putting too much on the military and not enough on diplomacy. I would hope the Iraqis would come to their senses and not engage in a civil war, but that is their decision to make. We can't make it for them.

The longer we are there, the worse it becomes. The longer we are there, the more and more Iraqis turn against us. More and more people in the Mideast turn against us. And more and more we lose our standing in the world community. I daresay we have precious few friends around the world today who are willing to stand with us. Prior to this war, after 9/11, the entire world was on our side. After those planes hit the Twin Towers and the one hit the Pentagon and the one went down in Pennsylvania which was probably coming here, the world was on our side. Countries all over the world—Muslim nations were on our side. Even Iran sent out some feelers to go after the Taliban. They didn't like the Taliban, either. And here we squandered it all, with the whole world on our side 5 years ago. Now we would be hard-pressed to find a few. They may be with us here and there on this or that, but

we know what they are saying about our involvement in Iraq. We know what they are saying about our standing in the world community. We know that. It is going to take a long time to rebuild it. The longer we persist in this unconscionable, unwinnable quagmire war in Iraq, the longer it is going to take us to get our standing back in the word community. Try we must. We need to bring this war to its conclusion.

It is not losing the war. People say: We can't lose it. I wasn't in the Senate, but I was in the House of Representatives when the Vietnam war finally came to a close. We heard the same arguments then, that we can't afford to lose, that the whole of Southeast Asia would be in flames, communism would take over the Philippines, communism would take over Indonesia. We heard it time after time. Guess what. None of it happened. And you look back now and you go down here to the Vietnam Memorial wall and you read those names and you think about their sacrifice, families that were left behind, children, loved ones. You wonder what for. What for? They served their country proudly. They did their duty. But you wonder in the end, what was it for?

I think, as we look back on this war in Iraq years from now, the thousands of Americans who have lost their lives, we will ask that same question: What for? Why? War is not the answer. Escalation is not the answer. We need to bring our troops home.

Those on the other side are saying we ought to talk about cutting off funding. That is going to come. We are going to have a supplemental appropriations bill. It will be here probably in the next couple months. I, for one, am going to do everything I can to make sure we have some kind of amendment on that bill which will limit the President's ability to spend the taxpayers' money on the war in Iraq. After all, the Constitution gives us the power of the purse strings, not the President. If we want to say: Mr. President, you can spend the money to redeploy troops out of Iraq and to protect them while they are being deployed, you can do that, but you can't spend any of that money to send any more troops there and put them in harm's way and have them going door to door in Baghdad and have them be shot at by snipers, we will have that opportunity when the supplemental appropriations bill comes before us.

Right now is time for us as a Senate to stand up and say whether we approve of the escalation or disapprove. Republican Senators on the other side of the aisle won't even give us that opportunity. I hope they hear from more families like the letters I just read. Maybe we will get that opportunity. It is time for us to quit shirking our responsibility, time for us to stand up and say whether we are for the escalation. I, for one, am not. Maybe others are for it. I think that is what we ought to debate, and that is what we ought to vote on.

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. 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.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT JACOB FRITZ

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army 1LT Jacob Fritz of Nebraska. Lieutenant Fritz was killed near Karbala, Iraq on January 20. He was 25 years old.

Lieutenant Fritz was raised on his family's farm near Verdon, NE. From a young age, Lieutenant Fritz knew he wanted to be a leader. After graduating from Dawson-Verdon High School in 2000, he followed through on this goal. I had the honor of nominating Lieutenant Fritz to the U.S. Military Academy at West Point. He graduated from the Academy in 2005. His brother, Daniel Fritz, 22, followed in his footsteps and is currently in his third year at West Point. Like his brother Jake, I had the privilege of nominating Dan to West Point.

Lieutenant Fritz was leading a unit of more than 30 soldiers in Iraq since October. Lieutenant Fritz described his mission as a liaison between Iraqi police and the U.S. Army. He said the work was challenging, but rewarding.

Lieutenant Fritz was buried on January 31 with full military honors in a church cemetery 4 miles from his family home near Verdon, NE. Family and friends paid their final respects in a moving service that reminded all of the courage, commitment, and sacrifice of soldiers like Lieutenant Fritz. As his childhood friend Air Force 1LT Brett Cooper remembered, a life of service to his country followed by a retirement to the small town life that he loved was all that Lieutenant Fritz wanted. We're proud of Lieutenant Fritz's service to our country as well as the service of thousands of brave Americans who are currently serving in Iraq.

In addition to his brother Dan, Lieutenant Fritz is survived by his parents Lyle and Noala and his younger brother Ethan.

I ask my colleagues to join me and all Americans in honoring 1LT Jacob Fritz.

ADDITIONAL STATEMENTS

RECOGNITION OF G. MARTIN WAGNER

• Mr. LIEBERMAN. Mr. President, today I honor G. Martin Wagner—a dedicated public servant who, on January 31, 2007, retired from Federal service after 31 years.

Marty Wagner has had an exemplary career working for the Federal Government. Far removed from the apocryphal ''faceless bureaucrat'' that so many of those who wrongly belittle our Federal workforce often refer to, Marty should serve as an example to us all in how to best serve the people of this great country. Marty was a leader and a doer who accomplished much over the past three decades, and leaves the Federal Government a far better place than how he found it.

Over his 31 years in the Federal civil service, Marty earned many honors and awards for his efforts to make the Federal Government a better place to work for all Federal employees. His service has also resulted in a Federal Government that is more caring and responsive to the needs of the American public.

Marty grew up in Tucson, AZ. In his youth, he played guitar and sang folk songs in old time ''hootenannies.'' He has a deep, recognizable voice, which would have served him well as a professional musician or radio persona. Fortunately for us, his career took a different path and Marty became a dedicated, hard-working Federal employee—serving in a number of agencies and departments over the past 31 years.

Most of us who know and have worked with Mr. Wagner over the years, associate him with his almost two decades of service with the General Services Administration, GSA, where he has been an innovative leader and promoter of initiatives for improved and more accessible information technology for Federal workers and the public alike. Most recently, Marty has served as Deputy Commissioner of the new Federal Acquisition Service, FAS. Prior to accepting this position, Mary also served as Acting Commissioner and Acting Deputy Commissioner of FAS. However, Marty was also a leader before his days at GSA, and I call to my colleagues attention just one of his major accomplishments over his Federal career.

Early on, Marty was an economic analyst at the Environmental Protection Agency. His outstanding work in the environmental arena proved to be invaluable to the quality of the air we breathe. In addressing the economic impact of pending EPA regulations, Marty was instrumental in producing the findings that resulted in the first requirement to remove lead from gasoline. I believe Marty could have retired at this point and have served his country well but, fortunately, this was just the first step in a long and distinguished career with the Federal Government.

G. Martin Wagner was a masterful manager and leader of innovative change within the Federal Government. The results of his untiring efforts over the past 30 years are evident in numerous Federal programs, resulting in a much more effective and efficient Federal Government.

Throughout his career, Deputy Commissioner Wagner has been a leader for positive change and modernization. When you worked with Marty you knew where you stood and that his positions were based upon his strong personal beliefs in how best to serve the American public and the Federal employees that he managed and with whom he worked. He is an honest, straightforward individual who did not shy away from challenges and difficult issues but, rather, sought the middle ground of compromise while always championing progress and better service.

From his work on implementing the gargantuan task of modernizing Federal telecommunications to his personal crusade of making sure each and every Federal worker was treated with respect and provided opportunities for advancement, Marty Wagner has always proved to be a capable and innovative leader. When we think of a government that is more efficient and effective, we need to pay our thanks to the good work of Deputy Commissioner Wagner.

I am sure that Marty's retirement from the Federal Government will not be the last we hear of him. Such an active, well-rounded, intelligent individual is not going to just while away the hours but, rather, seek out new challenges and opportunities to help his country and fellow citizens.

G. Martin Wagner and his good work will be missed but not forgotten.●

TRIBUTE IN HONOR OF BEASOR WALKER

● Mr. SHELBY. Mr. President, today I honor Mr. Beasor Walker, who has lived a life of great service to our Nation and to my hometown of Tuscaloosa, AL.

Beasor was a celebrated soldier in the Second World War, where he fought in the June 6, 1944, Invasion of Normandy. Despite a wound to his side, Beasor stayed with his unit during the duration of the fight and was promoted to company commander. Wounded again, he returned to his unit a second time in order to fight against the Nazis in the December 1944 Battle of the Bulge. It was during this offensive that he earned the Distinguished Service Cross, two Silver Stars, three Bronze Stars, and two Purple Hearts. After 27 years of distinguished service to the U.S. Army, including time at Fort Jackson, where he trained replacement troops for the Korean War, Beasor retired as a colonel.

A graduate of the University of Alabama, Beasor was elected sheriff of Tuscaloosa County in 1970. He served as sheriff until 1991, and during his lengthy tenure he was able to greatly improve Tuscaloosa County. Beasor is responsible for integrating the Sheriff's Department, streamlining the homicide squads, and extensively working to improve the Alabama Boys' and Girls' Ranch. Beasor has been inducted to both the Alabama Military Hall of Honor and the Alabama Law Enforcement Hall of Fame.

His service to the Nation has been exceptional, and Beasor Walker is more than deserving of this recognition. His sacrifices are appreciated and important to the freedom we enjoy every day. I hope my colleagues will join me in thanking my friend Beasor Walker for his service to our Nation and to the State of Alabama.●

MESSAGE FROM THE HOUSE

At 11:29 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. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the ''Scipio A. Jones Post Office Building''.

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the ''Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office''.

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the ''Sergeant Henry Ybarra III 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. 35. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the ''Scipio A. Jones Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the ''Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the ''Sergeant Henry Ybarra III Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 35. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–592. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emerald Ash Borer; Quarantined Areas; Michigan'' (Docket No. APHIS–2006–0131) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–593. 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 ''Avermectin; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8110–8) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–594. 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 ''Tris (2-ethylhexyl) Phosphate; Exemption from the Requirement of a Tolerance'' (FRL No. 8112–2) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–595. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to an Average Procurement Unit Cost and a Program Acquisition Unit Cost breach; to the Committee on Armed Services.

EC–596. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Defense Advanced Research Projects Agency's biennial strategic plan; to the Committee on Armed Services.

EC–597. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Administrative Procedures'' (FRL No . 8275–2) received on February 5, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–598. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–599. A communication from the Senior Counsel, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Private Security Officer Employment Authorization Act of 2004'' (RIN1110–AA23) received on February 5, 2007; to the Committee on the Judiciary.

EC–600. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2008; to the Committee on Rules and Administration.

EC–601. A communication from the Legal Advisor, Wireless Telecommunications Bureau Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rechannelization of the 17.7–19.7 GHz Frequency Band for Fixed Microwave Services Under Part 101 of the Commission's Rules'' (WT Docket No. 04–143) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–602. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule

entitled ''Amendment of Part 97 of the Commission's Rules to Implement WRC–03 Regulations in WT Docket No. 05–235'' (FCC 06–178) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–603. A communication from the Attorney Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Petition of Mid-Rivers Telephone Cooperative, Incorporated for Order Declaring it to be an Incumbent Local Exchange Carrier in Terry, Montana Pursuant to Section 251(h)(2)'' (FCC 06–132) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–604. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hennessey, Oklahoma)'' (MB Docket No. 05–85) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–605. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Opelika and Waverly, Alabama, and Amyrna, Georgia)'' (MB Docket No. 05–79) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–606. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hale Center, Texas)'' (MB Docket No. 05–114) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–607. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Columbus, Indiana)'' (MB Docket No. 05–238) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–608. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Reporting Requirements Under Section 8 of the Clayton Act, 15 U.S.C. Sec. 19(a)5'' (Billing Code 6750–01P) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–609. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Communications Assistance for Law Enforcement Act and Broadband Access and Services'' (ET Docket No. 04–295) received on February 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–610. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft'' (RIN2137–AD33) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Model S–92A Helicopters'' ((RIN2120–AA64)(Docket No. 2006–SW–03)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Model Gulfstream 200 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–175)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. T5311A, T5311B, T5313B, T5317A, T5317A–1, and T5317B Series Turboshaft Engines and Lycoming Former Military T53–L–11B, T53–L–11D, T53–L–13B, T53–L–13B/D, and T53–L–703 Series Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 98–ANE–72)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters'' ((RIN2120–AA64)(Docket No. 2006–SW–12)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–011)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–109)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 95–ANE–10)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes'' ((RIN2120–AA64)(Docket No. 2004–NM–176)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Model HS.125 Series 700A and 700B Airplanes; Model BAe.125 Series 800A, 800B, 1000A, and 1000B Airplanes; and Hawker 800, 800XP, and 1000 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–118)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters'' ((RIN2120–AA64)(Docket No. 2003–SW–10)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters'' ((RIN2120–AA64)(Docket No. 2005–SW–41)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Keokuk Municipal Airport, IA'' ((RIN2120–AA66)(Docket No. 06–ACE–7)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Huslia, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–13)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–16)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airways; and Establishment of Area Navigation Route; NC'' ((RIN2120–AA66)(Docket No. 06–ASO–1)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Instrument Flight Rules Terminal Transition Route T–210; Jacksonville, FL'' ((RIN2120–AA66)(Docket No. 05–ASO–10)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of High Altitude Area Navigation Routes; South Central United States'' ((RIN2120–AA66)(Docket No. 05–ASO–7)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200 Series Airplanes Modified by

Supplemental Type Certificate SA979NE'' ((RIN2120–AA64)(Docket No. 2006–NM–099)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada PW535A Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–07)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Model AT–501 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–06)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BURKHART GROB LUFT–UND–RAUMFAHRT GmbH and Co. KG, Model G 103 C Twin III SL Sailplanes'' ((RIN2120–AA64)(Docket No. 2005–CE–16)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (53)'' ((RIN2120–AA65)(Amdt. No. 3172)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (33)'' ((RIN2120–AA65)(Amdt. No. 3167)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (11)'' ((RIN2120–AA65)(Amdt. No. 3166)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (27)'' ((RIN2120–AA63)(Amdt. No. 461)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Scottsbluff, Western Nebraska Regional Airport/William B. Heilig Field, NE'' ((RIN2120–AA66)(Docket No. 06–ACE–5)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Eastman, GA; Correction'' ((RIN2120–AA66)(Docket No. 06–ASO–9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes; Model DC–9–81, DC–9–82, DC–9–83, and DC–9–87 Airplanes; Model MD–88 Airplanes; Model MD–90–30 Airplanes; and Model 717–200 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–001)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146 Airplanes and Model Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–212)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–099)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB–Fairchild SF340A and SAAB 340B Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–235)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319–100, A320–200, A321–100, and A321–200 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–087)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–215)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–223)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Perryville, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–15)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Homer , AK'' ((RIN2120–AA66)(Docket No. 06–AAL–25)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kodiak, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–26)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; St. Michael, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–27)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Tok Junction, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–28)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Restricted Area 5601F; Fort Sill, OK'' ((RIN2120–AA66)(Docket No. 05–ASW–3)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Castle Airport, Atwater, CA'' ((RIN2120–AA66)(Docket No. 06–AWP–15)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Alaskan High Altitude Reporting Points; AK'' ((RIN2120–AA66)(Docket No. 06–AAL–36)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Re-Designation of VOR Federal Airway V–431; Alaska'' ((RIN2120–AA66)(Docket No. 06–AAL–18)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Sheridan, WY'' ((RIN2120–AA66)(Docket No. 06–ANM–4)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change of Using Agency for Restricted Area R2202; Big Delta, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–33)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Change of Controlling Agency and Using Agency for Restricted Area R–6608A, B, and C; Quantico, VA'' ((RIN2120–AA66)(Docket No. 06–ASO–12)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kokhanok, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–19)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Iliamna, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–21)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Cedar Springs, GA'' ((RIN2120–AA66)(Docket No. 06–ASO–15)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Hooper Bay, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–14)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (23)'' ((RIN2120–AA63)(Amdt. No. 464)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (15)'' ((RIN2120–AA65)(Amdt. No. 3195)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (46)'' ((RIN2120–AA64)(Amdt. No. 3192)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (113)'' ((RIN2120–AA65)(Amdt. No. 3196)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (22)'' ((RIN2120–AA65)(Amdt No. 3197)) received on February 2 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (45)'' ((RIN2120–AA65)(Amdt. No. 3198)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (31)'' ((RIN2120–AA65)(Amdt. No. 3199)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Class B Airspace Area; Atlanta, GA'' ((RIN2120–AA66)(Docket No. 06–AWA–1)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Propeller Inc. Propellers and McCauley Propeller Systems Controllable Propellers'' ((RIN2120–AA64)(Docket No. 2005–NE–01)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–42)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, PW4090–3, and PW4098 and Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–13)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–672. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–10 Series Airplanes; DC–9–20 Series Airplanes; DC–9–30 Series Airplanes; DC–9–40 Series Airplanes; and DC–9–50 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2002–NM–349)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–673. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–14)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–674. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ and EMB–145XR Airplanes'' ((RIN2120–AA64)(Docket No. 2004–NM–36)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–675. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–093)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–676. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–143)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–677. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Model G–159 Airplanes'' ((RIN2120–AA64)(Docket No. 96–NM–143)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–678. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (28)'' ((RIN2120–AA63)(Amdt. No. 465)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–679. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Ft. Riley, KS'' ((RIN2120–AA66)(Docket No. 06–ACE–9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–680. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135ER and –135KE Airplanes; and Model EMB–145, –145ER, –145MR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–095)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–681. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F27 Mark 500 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–019)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–682. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–220)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–683. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Model L–1011 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–123)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–684. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE

Systems Limited Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–137)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–685. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–300, 747–400, 747–400D, and 747SR Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–116)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–686. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–234)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–687. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2001–NM–381)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–688. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Model AT–602 Airplanes'' ((RIN2120–AA64)(Docket No. 2004–CE–50)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–689. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Stemme GmbH and Co. AG Model STEMME S10–VT Sailplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–32)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–690. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 750 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–229)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–691. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–253)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–692. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change of Using Agency for Restricted Areas R–3008A, B, C, and D; Grand Bay Weapons Range, GA'' ((RIN2120–AA66)(Docket No. 06–ASO–16)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–693. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Heart of Georgia Regional Airport, Eastman, GA'' ((RIN2120–AA66)(Docket No. 06–ASO–9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–694. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Jet Route and Colored Federal Airways; Alaska'' ((RIN2120–AA66)(Docket No. 06–AAL–32)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–695. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Bethel Regional Airport, ME'' ((RIN2120–AA66)(Docket No. 06–ANE–02)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–696. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Newton Field, ME'' ((RIN2120–AA66)(Docket No. 06–ANE–01)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–697. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Mountain Home, ID'' ((RIN2120–AA66)(Docket No. 06–AWP–4)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Honolulu International Airport, HI'' ((RIN2120–AA66)(Docket No. 06–AWP–9)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–134)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc Trent 768–60, Trent 772–60, and Trent 772B–60 Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–29)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B300, and B300C Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–34)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes, Equipped with General Electric CF6–50 Series Engines'' ((RIN2120–AA64)(Docket No. 2006–NM–075)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–205)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 99–NE–12)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–136)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce, plc RB211 Trent 768–60, 772–60, and 772B–60 Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–30)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–086)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–138)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 750 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–231)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Propellers R321/4–82–F/8; R324/4–82–F/9; R333/4–82–F/12; and R334/4–82–F/13 Propellers'' ((RIN2120–AA64)(Docket No. 2006–NE–40)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–

57)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Societe de Motorisations Aeronautiques SR305–230 and SR305–230–1 Reciprocating Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–36)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (43)'' ((RIN2120–AA65)(Amdt. No. 3193)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (27)'' ((RIN2120–AA65)(Amdt. No. 3194)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Models AT–502, AT–502A, AT–502B, AT–602, AT–802, and AT–802A Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–37)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–174)) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–717. A communication from the Secretary, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice Announcing 2007 Adjusted Thresholds for Clayton Act 7A'' (RIN3084–AA91) received on February 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–718. A communication from the Attorney Advisor, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions'' (RIN2137–AE16) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–719. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emergency Procedures for Public Transportation Systems'' (RIN2132–AA89) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–720. A communication from the Regulation Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards'' (RIN2125–AF16) received on February 2, 2007; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Gen. George W. Casey, Jr. to be General.

Navy nomination of Adm. William J. Fallon to be Admiral.

Air Force nomination of Brig. Gen. Thomas W. Travis to be Major General.

Air Force nomination of Col. David H. Cyr to be Brigadier General.

Air Force nomination of Col. Douglas J. Robb to be Brigadier General.

Air Force nominations beginning with Brigadier General Frank J. Casserino and ending with Colonel John T. Winters, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nomination of Lt. Gen. James M. Dubik to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Michael D. Jacobson and ending with Terrill L. Tops, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Air Force nominations beginning with Stuart C. Calle and ending with Edwin O. Rodriguezpagan, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

By Mr. ROCKEFELLER for the Select Committee on Intelligence.

*J. Michael McConnell, of Virginia, to be Director of National Intelligence.

*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. SCHUMER (for himself, Mrs. CLINTON, Mr. BUNNING, and Mr. BYRD):

S. 491. A bill to clarify the rules of origin for certain textile and apparel products; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, and Ms. KLOBUCHAR):

S. 492. A bill to promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER:

S. 493. A bill to designate certain public land as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Recreation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 494. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. FEINGOLD, Mr. SCHUMER, and Mr. SANDERS):

S. 495. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mrs. CLINTON, Mr. WARNER, Mr. BYRD, Mr. LOTT, Mr. BROWN, Mr. COCHRAN, Mr. SCHUMER, Mr. BURR, Mr. CARDIN, Ms. MIKULSKI, Mrs. DOLE, Mr. ALEXANDER, Mr. SHELBY, and Mr. GRAHAM):

S. 496. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 497. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 498. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 499. A bill to amend the Internal Revenue Code of 1986 to allow section 1031 treatment for exchanges involving certain mutual ditch, reservoir, or irrigation company stock; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. REID, Mr. SCHUMER, Mr. BROWN, Mr. FEINGOLD, and Mrs. CLINTON):

S. 500. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KYL:

S. 501. A bill to the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mr.

SMITH, Mr. BUNNING, Mr. ENSIGN, Mr. CRAIG, Mr. VITTER, Mr. DEMINT, Mr. SUNUNU, Mr. BURR, Mr. ENZI, Mr. ROBERTS, Mr. BOND, Mr. ALLARD, and Mr. HAGEL):

S. 502. A bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates; to the Committee on Finance.

By Mrs. DOLE (for herself, Mr. NELSON of Florida, Mr. BURR, Mr. GRAHAM, Mr. CHAMBLISS, Mr. ISAKSON, Mr. LOTT, Mr. COCHRAN, and Mr. MARTINEZ):

S. 503. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH:

S. 504. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, Mr. COLEMAN, Mr. VITTER, Mr. SMITH, and Mr. NELSON of Nebraska):

S. 505. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, and Mrs. BOXER):

S. 506. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, Ms. COLLINS, Ms. CANTWELL, and Mr. DURBIN):

S. 507. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. GRASSLEY:

S. 508. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs .

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. ROCKEFELLER, Mr. LOTT, and Mr. LAUTENBERG):

S. 509. A bill to provide improved aviation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU:

S. Res. 72. A resolution acknowledging the severity of the wetland loss occurring in Louisiana and supporting the observance of World Wetlands Day in the United States; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. STEVENS, Mrs. DOLE, Mrs. HUTCHISON, Mr. VITTER, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, and Mr. REID):

S. Res. 73. A resolution designating February 6, 2007, as ''Ronald Reagan Day''; considered and agreed to.

By Ms. LANDRIEU:

S. Con. Res. 9. A concurrent resolution celebrating the contributions of the architectural profession during ''National Architecture Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers 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.

S. 55

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 55, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 254

At the request of Mr. ENZI, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 367

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. NELSON) 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. 388

At the request of Mr. THUNE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 430

At the request of Mr. LEAHY, the names of the Senator from Oregon (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors 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.

S. 435

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 435, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 439

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of 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.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. RES. 70

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 70, a resolution expressing the

sense of the Senate that the Commander of Multinational Forces-Iraq and all United States personnel under his command should receive from Congress the full support necessary to carry out the United States mission in Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 494. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the ''NATO Freedom Consolidation Act of 2007''. Last year this legislation passed the Senate by unanimous consent. Unfortunately, the House was unable to act prior to adjournment last year.

I was pleased that thirteen of my colleagues, including Senators BIDEN, CHAMBLISS, COLEMAN, DODD, HAGEL, HUTCHISON, MARTINEZ, MCCAIN, SMITH, and SUNUNU, joined me in proposing this important legislation.

The goal of this bill is to reaffirm United States support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. In particular, the legislation calls for the timely admission of Albania, Croatia, Georgia, Macedonia, and Ukraine to NATO and authorizes security assistance for these countries in Fiscal Year 2008. Each of these countries has clearly stated its desire to join NATO and is working hard to meet the specified requirements for membership.

I believe that eventual NATO membership for these five countries would be a success for Europe, NATO, and the United States by continuing to extend the zone of peace and security. Albania, Croatia, and Macedonia have been making progress on reforms through their participation in the NATO Membership Action Plan since 2002. Unfortunately, Georgia and Ukraine have not yet been granted a Membership Action Plan but nevertheless have made remarkable progress. This legislation will provide important incentives and assistance to the countries to continue the implementation of democratic, defense, and economic reforms.

Since the end of the Cold War, NATO has been evolving to meet the new security needs of the 21st century. In this era, the threats to NATO members are transnational and far from its geographic borders. There is strong support among members for NATO's operation in Afghanistan, and for its training mission in Iraq. NATO's viability as an effective defense and security alliance depends on flexible, creative leadership, as well as the willingness of members to improve capabilities and address common threats.

If NATO is to continue to be the preeminent security Alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security. Georgia is a young democracy that has made tremendous progress since the ''Rose Revolution.'' It is situated in a critical geo-strategic location and is host to a large portion of the Baku-Tbilisi-Ceyhan pipeline that carries important energy resources to the West from Azerbaijan and, in the future, Kazakhstan. Georgia is resisting pressure from breakaway republics backed by Moscow. In the past, border disputes have been identified as reasons a country may not be invited to join NATO. But in this case, Russia's action, not Georgia's, are frustrating Tbilisi's NATO aspirations.

Three years ago, the United States Senate unanimously voted to invite seven countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global war on terrorism. It is time again for the United States to take the lead in urging its allies to bring in new members, and to offer timely admission of Albania, Croatia, Georgia, Macedonia, and Ukraine to NATO.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. FEINGOLD, Mr. SCHUMER, and Mr. SANDERS):

S. 495. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to join Senator SPECTER in reintroducing the Leahy-Specter Personal Data Privacy and Security Act. This is a comprehensive data privacy package aimed at better protecting Americans' privacy. Senator SPECTER has been a valuable partner on this, and I also thank Majority Leader REID for his leadership and commitment to enacting data privacy legislation this year.

When Senator SPECTER and I introduced this bill in 2005, we had high hopes of bringing urgently needed data privacy reforms to the American people. The Judiciary Committee reported this bill favorably in November of 2005, but with the last Congress, it simply sat on the calendar. The leadership would not bring it forward.

The irony is while they refused to bring it forward, the problems of data breaches remained a persistent and pernicious threat to Americans' privacy. Yesterday we learned that the Department of Veterans Affairs has lost a portable hard drive containing the sensitive personal information on as many as 48,000 veterans. I can imagine what the veterans in my State feel about that. I can imagine what the veterans in Montana feel about that.

Last week, there was a major data breach involving a State computer server in my home State of Vermont. It jeopardized the financial data of at least 69,000 Vermonters whose personal financial information had been stored on the computer used by the Vermont Agency of Human Services. Can you imagine 69,000 people, in a State of barely over 600,000 people.

This is not unique to Vermont. Last month mega retailer TJX disclosed that it suffered a major computer breach involving credit and debt card purchases involving possibly hundreds of thousands of American consumers. And, even as disturbing as that is, while they knew about the breach in mid-December, none of those customers were told about it until a month later. It is as if a thief had gone to each one of their houses and stolen their data.

Of course, all of this comes on the heels of the theft of the personal data of 26.5 million of our veterans and active-duty personnel at the VA last year. Think about this: You are a man or a woman serving your country in Afghanistan or Iraq, and this information is stolen—with data about where you live and what family members are left at home while you are overseas. How do you think that makes you feel?

According to the Privacy Rights Clearinghouse, more than 100 million records containing sensitive personal information have been involved in data security breaches since 2005. We need strong Federal data privacy and security laws to protect Americans' personal data, and to address the ills of lax data security.

Our bill requires that data brokers let consumers know what sensitive personal information they have about them and to allow individuals to correct this. It is a simple matter of fairness. There is a clear precedent for our approach in the credit reporting context. Our bill also requires that companies who have databases with sensitive personal information about Americans establish and implement data privacy and security programs. In the information age, any company that wants to be trusted by the public must earn that trust by vigilantly protecting the databases that they use and maintain. In addition, our bill requires notice when sensitive personal information has been compromised. The American people need to know when they may be exposed to a data breach. Whether it is a government agency or a private company, if they lose your sensitive information, your Social Security number, your address, or anything about you,

you have a right to know. If they are holding that information about you, and they lose it, you have the right to know it has been lost.

We also have tough criminal penalties for anyone who would intentionally or willfully conceal the fact that a data breach has occurred when that breach causes economic damage to consumers.

Then finally, we address the important issue of the Government's use of personal data. This would require Federal agencies to notify affected individuals when Government data breaches occur.

We should never have to worry about our Government having this information on us and losing it, but certainly in the last 2 or 3 years, we have seen so many millions of files that have been lost or put in jeopardy. We live in a world in which our Government also is increasingly turning to the private sector to get personal data that they, in some instances, couldn't legally get on their own. To address this, our bill puts protecting Americans' privacy first and foremost: Government data has to be protected and we have to know if the Government falls down on the job.

This is a comprehensive bill. It not only deals with the need to provide Americans notice when they have been victims of a data breach, it also deals with the underlying problems of lack of security and lack of accountability to prevent data breaches from occurring in the first place.

Today, Americans live in a world where their most sensitive personal information can be accessed and sold to the highest bidder with a few keystrokes on their computer. Our privacy laws greatly lag behind both the capabilities of our technology and the cunning of identity thieves. This legislation closes that gap. I commend the leadership for being willing to bring up our data privacy bill. I wish that the leadership in the last Congress had brought this bill up last year. But, I am glad that the new leadership will do so this year.

For the sake of all Americans, I urge all Senators to support this legislation and to act now to pass comprehensive data privacy and security legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 495

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 ''Personal Data Privacy and Security 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. Findings.
Sec. 3. Definitions.

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

Sec. 101. Organized criminal activity in connection with unauthorized access to personally identifiable information.
Sec. 102. Concealment of security breaches involving sensitive personally identifiable information.
Sec. 103. Review and amendment of Federal sentencing guidelines related to fraudulent access to or misuse of digitized or electronic personally identifiable information.

TITLE II—DATA BROKERS

Sec. 201. Transparency and accuracy of data collection.
Sec. 202. Enforcement.
Sec. 203. Relation to State laws.
Sec. 204. Effective date.

TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—A Data Privacy and Security Program

Sec. 301. Purpose and applicability of data privacy and security program.
Sec. 302. Requirements for a personal data privacy and security program.
Sec. 303. Enforcement.
Sec. 304. Relation to other laws.

Subtitle B—Security Breach Notification

Sec. 311. Notice to individuals.
Sec. 312. Exemptions.
Sec. 313. Methods of notice.
Sec. 314. Content of notification.
Sec. 315. Coordination of notification with credit reporting agencies.
Sec. 316. Notice to law enforcement.
Sec. 317. Enforcement.
Sec. 318. Enforcement by State attorneys general.
Sec. 319. Effect on Federal and State law.
Sec. 320. Authorization of appropriations.
Sec. 321. Reporting on risk assessment exemptions.
Sec. 322. Effective date.

TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

Sec. 401. General Services Administration review of contracts.
Sec. 402. Requirement to audit information security practices of contractors and third party business entities.
Sec. 403. Privacy impact assessment of government use of commercial information services containing personally identifiable information.
Sec. 404. Implementation of chief privacy officer requirements.

SEC. 2. FINDINGS.

Congress finds that—

(1) databases of personally identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the nation's economic stability, homeland security, the development of e-commerce, and the privacy rights of Americans;

(3) over 9,300,000 individuals were victims of identity theft in America last year;

(4) security breaches are a serious threat to consumer confidence, homeland security, e-commerce, and economic stability;

(5) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentiality of that personally identifiable information;

(6) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(7) data brokers have assumed a significant role in providing identification, authentication, and screening services, and related data collection and analyses for commercial, nonprofit, and government operations;

(8) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual's livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(9) there is a need to insure that data brokers conduct their operations in a manner that prioritizes fairness, transparency, accuracy, and respect for the privacy of consumers;

(10) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(11) because government use of commercial data containing personal information potentially affects individual privacy, and law enforcement and national security operations, there is a need for Congress to exercise oversight over government use of commercial data.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' has the same meaning given such term in section 551 of title 5, United States Code.

(2) AFFILIATE.—The term ''affiliate'' means persons related by common ownership or by corporate control.

(3) BUSINESS ENTITY.—The term ''business entity'' means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) IDENTITY THEFT.—The term ''identity theft'' means a violation of section 1028 of title 18, United States Code.

(5) DATA BROKER.—The term ''data broker'' means a business entity which for monetary fees or dues regularly engages in the practice of collecting, transmitting, or providing access to sensitive personally identifiable information on more than 5,000 individuals who are not the customers or employees of that business entity or affiliate primarily for the purposes of providing such information to nonaffiliated third parties on an interstate basis.

(6) DATA FURNISHER.—The term ''data furnisher'' means any agency, organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or nonprofit that serves as a source of information for a data broker.

(7) PERSONAL ELECTRONIC RECORD.—

(A) IN GENERAL.—The term ''personal electronic record'' means data associated with an individual contained in a database, networked or integrated databases, or other data system that holds sensitive personally identifiable information of that individual and is provided to nonaffiliated third parties.

(B) EXCLUSIONS.—The term ''personal electronic record'' does not include—

(i) any data related to an individual's past purchases of consumer goods; or

(ii) any proprietary assessment or evaluation of an individual or any proprietary assessment or evaluation of information about an individual.

(8) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information'' means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United State Code.

(9) PUBLIC RECORD SOURCE.—The term ''public record source'' means the Congress, any agency, any State or local government agency, the government of the District of Columbia and governments of the territories or possessions of the United States, and Federal, State or local courts, courts martial and military commissions, that maintain personally identifiable information in records available to the public.

(10) SECURITY BREACH.—

(A) IN GENERAL.—The term ''security breach'' means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, acquisition of or access to sensitive personally identifiable information that is unauthorized or in excess of authorization.

(B) EXCLUSION.—The term ''security breach'' does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure; or

(ii) the release of a public record, or information derived from a single public record, not otherwise subject to confidentiality or nondisclosure requirement, or information obtained from a news report or periodical.

(11) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term ''sensitive personally identifiable information'' means any information or compilation of information, in electronic or digital form that includes—

(A) an individual's first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver's license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother's maiden name, if identified as such.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services, or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction.

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

SEC. 101. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1030(a)(2)(D) (relating to fraud and related activity in connection with unauthorized access to sensitive personally identifiable information as defined in the Personal Data Privacy and Security Act of 2007,'' before ''section 1084''.

SEC. 102. CONCEALMENT OF SECURITY BREACHES INVOLVING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1040. Concealment of security breaches involving sensitive personally identifiable information

''(a) Whoever, having knowledge of a security breach and of the obligation to provide notice of such breach to individuals under title III of the Personal Data Privacy and Security Act of 2007, and having not otherwise qualified for an exemption from providing notice under section 312 of such Act, intentionally and willfully conceals the fact of such security breach and which breach causes economic damage to 1 or more persons, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) For purposes of subsection (a), the term 'person' has the same meaning as in section 1030(e)(12) of title 18, United States Code.

''(c) Any person seeking an exemption under section 312(b) of the Personal Data Privacy and Security Act of 2007 shall be immune from prosecution under this section if the United States Secret Service does not indicate, in writing, that such notice be given under section 312(b)(3) of such Act''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1040. Concealment of security breaches involving personally identifiable information.''.

(c) ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The United States Secret Service shall have the authority to investigate offenses under this section.

(2) NON-EXCLUSIVITY.—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.

SEC. 103. REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES RELATED TO FRAUDULENT ACCESS TO OR MISUSE OF DIGITIZED OR ELECTRONIC PERSONALLY IDENTIFIABLE INFORMATION.

(a) REVIEW AND AMENDMENT.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of using fraud to access, or misuse of, digitized or electronic personally identifiable information, including identity theft or any offense under—

(1) sections 1028, 1028A, 1030, 1030A, 2511, and 2701 of title 18, United States Code; and

(2) any other relevant provision.

(b) REQUIREMENTS.—In carrying out the requirements of this section, the United States Sentencing Commission shall—

(1) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(A) the serious nature of the offenses and penalties referred to in this Act;

(B) the growing incidences of theft and misuse of digitized or electronic personally identifiable information, including identity theft; and

(C) the need to deter, prevent, and punish such offenses;

(2) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address violations of the sections amended by this Act to—

(A) sufficiently deter and punish such offenses; and

(B) adequately reflect the enhanced penalties established under this Act;

(3) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) consider whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves—

(A) the online sale of fraudulently obtained or stolen personally identifiable information;

(B) the sale of fraudulently obtained or stolen personally identifiable information to an individual who is engaged in terrorist activity or aiding other individuals engaged in terrorist activity; or

(C) the sale of fraudulently obtained or stolen personally identifiable information to finance terrorist activity or other criminal activities;

(6) make any necessary conforming changes to the Federal sentencing guidelines to ensure that such guidelines (including its policy statements) as described in subsection (a) are sufficiently stringent to deter, and adequately reflect crimes related to fraudulent access to, or misuse of, personally identifiable information; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission may, as soon as practicable, promulgate amendments under this section in accordance with procedures established in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that Act had not expired.

TITLE II—DATA BROKERS

SEC. 201. TRANSPARENCY AND ACCURACY OF DATA COLLECTION.

(a) IN GENERAL.—Data brokers engaging in interstate commerce are subject to the requirements of this title for any product or service offered to third parties that allows access or use of sensitive personally identifiable information.

(b) LIMITATION.—Notwithstanding any other provision of this title, this section shall not apply to—

(1) any product or service offered by a data broker engaging in interstate commerce where such product or service is currently subject to, and in compliance with, access and accuracy protections similar to those under subsections (c) through (f) of this section under the Fair Credit Reporting Act (Public Law 91–508);

(2) any data broker that is subject to regulation under the Gramm-Leach-Bliley Act (Public Law 106-102);

(3) any data broker currently subject to and in compliance with the data security requirements for such entities under the Health Insurance Portability and Accountability Act (Public Law 104–191), and its implementing regulations;

(4) information in a personal electronic record that—

(A) the data broker has identified as inaccurate, but maintains for the purpose of aiding the data broker in preventing inaccurate information from entering an individual's personal electronic record; and

(B) is not maintained primarily for the purpose of transmitting or otherwise providing that information, or assessments based on that information, to non-affiliated third parties; and

(5) information concerning proprietary methodologies, techniques, scores, or algorithms relating to fraud prevention not normally provided to third parties in the ordinary course of business.

(c) DISCLOSURES TO INDIVIDUALS.—

(1) IN GENERAL.—A data broker shall, upon the request of an individual, disclose to such individual for a reasonable fee all personal electronic records pertaining to that individual maintained specifically for disclosure to third parties that request information on that individual in the ordinary course of business in the databases or systems of the data broker at the time of such request.

(2) INFORMATION ON HOW TO CORRECT INACCURACIES.—The disclosures required under paragraph (1) shall also include guidance to individuals on procedures for correcting inaccuracies.

(d) ACCURACY RESOLUTION PROCESS.—

(1) INFORMATION FROM A PUBLIC RECORD OR LICENSOR.—

(A) IN GENERAL.—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information disclosed to such individual under subsection (c) that is obtained from a public record source or a license agreement, such data broker shall determine within 30 days whether the information in its system accurately and completely records the information available from the public record source or licensor.

(B) DATA BROKER ACTIONS.—If a data broker determines under subparagraph (A) that the information in its systems does not accurately and completely record the information available from a public record source or licensor, the data broker shall—

(i) correct any inaccuracies or incompleteness, and provide to such individual written notice of such changes; and

(ii) provide such individual with the contact information of the public record or licensor.

(2) INFORMATION NOT FROM A PUBLIC RECORD SOURCE OR LICENSOR.—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information not from a public record or licensor that was disclosed to the individual under subsection (c), the data broker shall, within 30 days of receiving notice of such dispute—

(A) review and consider free of charge any information submitted by such individual that is relevant to the completeness or accuracy of the disputed information; and

(B) correct any information found to be incomplete or inaccurate and provide notice to such individual of whether and what information was corrected, if any.

(3) EXTENSION OF REVIEW PERIOD.—The 30-day period described in paragraph (1) may be extended for not more than 30 additional days if a data broker receives information from the individual during the initial 30-day period that is relevant to the completeness or accuracy of any disputed information.

(4) NOTICE IDENTIFYING THE DATA FURNISHER.—If the completeness or accuracy of any information not from a public record source or licensor that was disclosed to an individual under subsection (c) is disputed by such individual, the data broker shall provide, upon the request of such individual, the contact information of any data furnisher that provided the disputed information.

(5) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) through (3), a data broker may decline to investigate or terminate a review of information disputed by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or intended to perpetrate fraud.

(B) NOTICE.—A data broker shall notify an individual of a determination under subparagraph (A) within a reasonable time by any means available to such data broker.

SEC. 202. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) PENALTIES.—Any data broker that violates the provisions of section 201 shall be subject to civil penalties of not more than $1,000 per violation per day while such violations persist, up to a maximum of $250,000 per violation.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A data broker that intentionally or willfully violates the provisions of section 201 shall be subject to additional penalties in the amount of $1,000 per violation per day, to a maximum of an additional $250,000 per violation, while such violations persist.

(3) EQUITABLE RELIEF.—A data broker engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(b) FEDERAL TRADE COMMISSION AUTHORITY.—Any data broker shall have the provisions of this title enforced against it by the Federal Trade Commission.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this title; or

(C) obtain civil penalties of not more than $1,000 per violation per day while such violations persist, up to a maximum of $250,000 per violation.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) FEDERAL TRADE COMMISSION AUTHORITY.—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Federal Trade Commission has instituted a proceeding or civil action for a violation of this title, no attorney general of a State may, during the pendency of such proceeding or civil action, bring an action under this subsection against any defendant named in such civil action for any violation that is alleged in that civil action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this title establishes a private cause of action against a data broker for violation of any provision of this title.

SEC. 203. RELATION TO STATE LAWS.

No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 201, relating to individual access to, and correction of, personal electronic records held by data brokers.

SEC. 204. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—A Data Privacy and Security Program

SEC. 301. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.

(a) PURPOSE.—The purpose of this subtitle is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the security of sensitive personally identifiable information.

(b) IN GENERAL.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of sensitive personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 302 for protecting sensitive personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this subtitle, this subtitle does not apply to:

(1) FINANCIAL INSTITUTIONS.—Financial institutions—

(A) subject to the data security requirements and implementing regulations under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); and

(B) subject to—

(i) examinations for compliance with the requirements of this Act by a Federal Functional Regulator or State Insurance Authority (as those terms are defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)); or

(ii) compliance with part 314 of title 16, Code of Federal Regulations.

(2) HIPPA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 302 if the business entity is acting as a ''business associate'' as that term is defined in the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et. seq.) and is in compliance with requirements imposed under that Act and its implementing regulations.

(3) PUBLIC RECORDS.—Public records not otherwise subject to a confidentiality or nondisclosure requirement, or information obtained from a news report or periodical.

(d) SAFE HARBORS.—

(1) IN GENERAL.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 302 if the business entity complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of sensitive personally identifiable information involved in the ordinary course of business of such business entity.

(2) LIMITATION.—Nothing in this subsection shall be construed to permit, and nothing does permit, the Federal Trade Commission to issue regulations requiring, or according greater legal status to, the implementation of or application of a specific technology or technological specifications for meeting the requirements of this title.

SEC. 302. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—A business entity subject to this subtitle shall comply with the following safeguards and any other administrative, technical, or physical safeguards identified by the Federal Trade Commission in a rulemaking process pursuant to section 553 of title 5, United States Code, for the protection of sensitive personally identifiable information:

(1) SCOPE.—A business entity shall implement a comprehensive personal data privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) DESIGN.—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of sensitive personally identifying information;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of sensitive personally identifying information; and

(C) protect against unauthorized access to use of sensitive personally identifying information that could result in substantial harm or inconvenience to any individual.

(3) RISK ASSESSMENT.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information or systems containing sensitive personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information;

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information; and

(D) assess the vulnerability of sensitive personally identifiable information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3); and

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing sensitive personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information, including by employees and other individuals otherwise authorized to have access;

(iii) protect sensitive personally identifiable information during use, transmission, storage, and disposal by encryption or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations); and

(iv) ensure that sensitive personally identifiable information is properly destroyed and disposed of, including during the destruction of computers, diskettes, and other electronic media that contain sensitive personally identifiable information.

(b) TRAINING.—Each business entity subject to this subtitle shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) VULNERABILITY TESTING.—

(1) IN GENERAL.—Each business entity subject to this subtitle shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) FREQUENCY.—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) RELATIONSHIP TO SERVICE PROVIDERS.—In the event a business entity subject to this subtitle engages service providers not subject to this subtitle, such business entity shall—

(1) exercise appropriate due diligence in selecting those service providers for responsibilities related to sensitive personally identifiable information, and take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the sensitive personally identifiable information at issue; and

(2) require those service providers by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to section 301, this section, and subtitle B.

(e) PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.—Each business entity subject to this subtitle shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to sensitive personally identifiable information systems.

(f) IMPLEMENTATION TIME LINE.—Not later than 1 year after the date of enactment of this Act, a business entity subject to the provisions of this subtitle shall implement a data privacy and security program pursuant to this subtitle.

SEC. 303. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Any business entity that violates the provisions of sections 301 or 302 shall be subject to civil penalties of not more than $5,000 per violation per day while such a violation exists, with a maximum of $500,000 per violation.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A business entity that intentionally or willfully violates the provisions of sections 301 or 302 shall be subject to additional penalties in the amount of $5,000 per violation per day while such a violation exists, with a maximum of an additional $500,000 per violation.

(3) EQUITABLE RELIEF.—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) FEDERAL TRADE COMMISSION AUTHORITY.—Any data broker shall have the provisions of this subtitle enforced against it by the Federal Trade Commission.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this subtitle, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle; or

(C) obtain civil penalties of not more than $5,000 per violation per day while such violations persist, up to a maximum of $500,000 per violation.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the

written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) FEDERAL TRADE COMMISSION AUTHORITY.—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Federal Trade Commission has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1) nothing in this subtitle shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

SEC. 304. RELATION TO OTHER LAWS.

(a) IN GENERAL.—No State may require any business entity subject to this subtitle to comply with any requirements with respect to administrative, technical, and physical safeguards for the protection of sensitive personally identifying information.

(b) LIMITATIONS.—Nothing in this subtitle shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act or its implementing regulations, including those adopted or enforced by States.

Subtitle B—Security Breach Notification

SEC. 311. NOTICE TO INDIVIDUALS.

(a) IN GENERAL.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of the systems or databases of such agency or business entity notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.—Nothing in this subtitle shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) REASONABLE DELAY.—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) BURDEN OF PROOF.—The agency, business entity, owner, or licensee required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this subtitle, including evidence demonstrating the reasons for any delay.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement agency to the agency or business entity that experienced the breach.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this subtitle.

SEC. 312. EXEMPTIONS.

(a) EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 311 shall not apply to an agency or business entity if the agency or business entity certifies, in writing, that notification of the security breach as required by section 311 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) LIMITS ON CERTIFICATIONS.—An agency may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) NOTICE.—In every case in which an agency issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service.

(b) SAFE HARBOR.—An agency or business entity will be exempt from the notice requirements under section 311, if—

(1) a risk assessment concludes that there is no significant risk that the security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach;

(2) without unreasonable delay, but not later than 45 days after the discovery of a security breach, unless extended by the United States Secret Service, the agency or business entity notifies the United States Secret Service, in writing, of—

(A) the results of the risk assessment; and

(B) its decision to invoke the risk assessment exemption; and

(3) the United States Secret Service does not indicate, in writing, within 10 days from receipt of the decision, that notice should be given.

(c) FINANCIAL FRAUD PREVENTION EXEMPTION.—

(1) IN GENERAL.—A business entity will be exempt from the notice requirement under section 311 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) LIMITATION.—The exemption by this subsection does not apply if the information subject to the security breach includes sensitive personally identifiable information in addition to the sensitive personally identifiable information identified in section 3.

SEC. 313. METHODS OF NOTICE.

An agency, or business entity shall be in compliance with section 311 if it provides both:

(1) INDIVIDUAL NOTICE.—

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity;

(B) Telephone notice to the individual personally; or

(C) Electronic notice, if the primary method used by the agency or business entity to communicate with the individual is by electronic means, or the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) MEDIA NOTICE.—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person exceeds 5,000.

SEC. 314. CONTENT OF NOTIFICATION.

(a) IN GENERAL.—Regardless of the method by which notice is provided to individuals under section 313, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(2) a toll-free number or, if the primary method used by the agency or business entity to communicate with the individual is by electronic means, an electronic mail address—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) ADDITIONAL CONTENT.—Notwithstanding section 319, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

SEC. 315. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 1,000 individuals under section 311(a), the agency or business entity shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices.

SEC. 316. NOTICE TO LAW ENFORCEMENT.

(a) SECRET SERVICE.—Any business entity or agency shall give notice of a security breach to the United States Secret Service if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.—The United States Secret Service shall be responsible for notifying—

(1) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code;

(2) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(3) the attorney general of each State affected by the security breach.

(c) 14-DAY RULE.—The notices to Federal law enforcement and the attorney general of each State affected by a security breach required under this section shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

SEC. 317. ENFORCEMENT.

(a) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this subtitle and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $1,000,000 per violation, unless such conduct is found to be willful or intentional.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this subtitle, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this subtitle.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this subtitle.

(c) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subtitle are cumulative and shall not affect any other rights and remedies available under law.

(d) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(b)(1)) is amended by inserting ", or evidence that the consumer has received notice that the consumer's financial information has or may have been compromised," after "identity theft report".

SEC. 318. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this subtitle, the State or the State or local law enforcement agency on behalf of the residents of the agency's jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this subtitle; or

(C) civil penalties of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subtitle, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 317 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subtitle against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

SEC. 319. EFFECT ON FEDERAL AND STATE LAW.

The provisions of this subtitle shall supersede any other provision of Federal law or any provision of law of any State relating to notification of a security breach, except as provided in section 314(b).

SEC. 320. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this subtitle.

SEC. 321. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

The United States Secret Service shall report to Congress not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 312(b) and the response of the United States Secret Service to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 312(a), provided that such report may not disclose the contents of any risk assessment provided to the United States Secret Service pursuant to this subtitle.

SEC. 322. EFFECTIVE DATE.

This subtitle shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

SEC. 401. GENERAL SERVICES ADMINISTRATION REVIEW OF CONTRACTS.

(a) IN GENERAL.—In considering contract awards totaling more than $500,000 and entered into after the date of enactment of this Act with data brokers, the Administrator of the General Services Administration shall evaluate—

(1) the data privacy and security program of a data broker to ensure the privacy and security of data containing personally identifiable information, including whether such program adequately addresses privacy and security threats created by malicious software or code, or the use of peer-to-peer file sharing software;

(2) the compliance of a data broker with such program;

(3) the extent to which the databases and systems containing personally identifiable information of a data broker have been compromised by security breaches; and

(4) the response by a data broker to such breaches, including the efforts by such data broker to mitigate the impact of such security breaches.

(b) COMPLIANCE SAFE HARBOR.—The data privacy and security program of a data broker shall be deemed sufficient for the purposes of subsection (a), if the data broker complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of personally identifiable information involved in the ordinary course of business of such data broker.

(c) PENALTIES.—In awarding contracts with data brokers for products or services related to access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, the Administrator of the General Services Administration shall—

(1) include monetary or other penalties—

(A) for failure to comply with subtitles A and B of title III; or

(B) if a contractor knows or has reason to know that the personally identifiable information being provided is inaccurate, and provides such inaccurate information; and

(2) require a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(A) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(B) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(C) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(d) LIMITATION.—The penalties under subsection (c) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source or licensor.

SEC. 402. REQUIREMENT TO AUDIT INFORMATION SECURITY PRACTICES OF CONTRACTORS AND THIRD PARTY BUSINESS ENTITIES.

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (7)(C)(iii), by striking ''and'' after the semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) procedures for evaluating and auditing the information security practices of contractors or third party business entities supporting the information systems or operations of the agency involving personally identifiable information (as that term is defined in section 3 of the Personal Data Privacy and Security Act of 2007) and ensuring remedial action to address any significant deficiencies.''.

SEC. 403. PRIVACY IMPACT ASSESSMENT OF GOVERNMENT USE OF COMMERCIAL INFORMATION SERVICES CONTAINING PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—Section 208(b)(1) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subparagraph (A)(i), by striking ''or''; and

(2) in subparagraph (A)(ii), by striking the period and inserting ''; or''; and

(3) by inserting after clause (ii) the following:

''(iii) purchasing or subscribing for a fee to personally identifiable information from a data broker (as such terms are defined in section 3 of the Personal Data Privacy and Security Act of 2007).''.

(b) LIMITATION.—Notwithstanding any other provision of law, commencing 1 year after the date of enactment of this Act, no Federal agency may enter into a contract with a data broker to access for a fee any database consisting primarily of personally identifiable information concerning United States persons (other than news reporting or telephone directories) unless the head of such department or agency—

(1) completes a privacy impact assessment under section 208 of the E–Government Act of 2002 (44 U.S.C. 3501 note), which shall subject to the provision in that Act pertaining to sensitive information, include a description of—

(A) such database;

(B) the name of the data broker from whom it is obtained; and

(C) the amount of the contract for use;

(2) adopts regulations that specify—

(A) the personnel permitted to access, analyze, or otherwise use such databases;

(B) standards governing the access, analysis, or use of such databases;

(C) any standards used to ensure that the personally identifiable information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate purpose of the Federal agency;

(D) standards limiting the retention and redisclosure of personally identifiable information obtained from such databases;

(E) procedures ensuring that such data meet standards of accuracy, relevance, completeness, and timeliness;

(F) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(G) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongly incurred due to the access, analysis, or use of such databases;

(H) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(I) an outline of enforcement mechanisms for accountability to protect individuals and the public against unlawful or illegitimate access or use of databases; and

(3) incorporates into the contract or other agreement totaling more than $500,000, provisions—

(A) providing for penalties—

(i) for failure to comply with title III of this Act; or

(ii) if the entity knows or has reason to know that the personally identifiable information being provided to the Federal department or agency is inaccurate, and provides such inaccurate information; and

(B) requiring a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(i) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(ii) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(iii) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(c) LIMITATION ON PENALTIES.—The penalties under subsection (b)(3)(A) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source.

(d) STUDY OF GOVERNMENT USE.—

(1) SCOPE OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and audit and prepare a report on Federal agency use of data brokers or commercial databases containing personally identifiable information, including the impact on privacy and security, and the extent to which Federal contracts include sufficient provisions to ensure privacy and security protections, and penalties for failures in privacy and security practices.

(2) REPORT.—A copy of the report required under paragraph (1) shall be submitted to Congress.

SEC. 404. IMPLEMENTATION OF CHIEF PRIVACY OFFICER REQUIREMENTS.

(a) DESIGNATION OF THE CHIEF PRIVACY OFFICER.—Pursuant to the requirements under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (division H of Public Law 108–447; 118 Stat. 3199) that each agency designate a Chief Privacy Officer, the Department of Justice shall implement such requirements by designating a department-wide Chief Privacy Officer, whose primary role shall be to fulfill the duties and responsibilities of Chief Privacy Officer and who shall report directly to the Deputy Attorney General.

(b) DUTIES AND RESPONSIBILITIES OF CHIEF PRIVACY OFFICER.—In addition to the duties and responsibilities outlined under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (division H of Public Law 108–447; 118 Stat. 3199), the Department of Justice Chief Privacy Officer shall—

(1) oversee the Department of Justice's implementation of the requirements under section 403 to conduct privacy impact assessments of the use of commercial data containing personally identifiable information by the Department; and

(2) coordinate with the Privacy and Civil Liberties Oversight Board, established in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), in implementing this section.

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Personal Data Privacy and Security Act of 2007, which I am introducing with Senator LEAHY. Not long ago, personal information—Social Security numbers, birthdates, mothers' maiden names, addresses—all remained relatively private. Some information—for example,

whether you had a mortgage on your home—might have been publicly available, but finding that information required a trip to the local courthouse. For the most part, the sheer difficulty of obtaining personal information kept it private. This privacy—what Justice Brandeis called the freedom to be left alone—has been a cherished value throughout American history.

As everyday transactions increasingly occur electronically, personal information can be stored, transmitted and accessed much more easily. Most Americans have benefited from this change. Because personal information is available electronically, Americans enjoy the convenience of purchasing goods over the phone or on the Internet. They can obtain a home mortgage in a matter of hours. They can apply for a credit card while they wait at the store. The availability of such information also helps law enforcement agencies conduct investigations and apprehend criminals.

In electronic form, personal information is both more valuable and more vulnerable. As the multitude of security breaches that have occurred over the past 2 years demonstrate, electronic information is more vulnerable because it can be accessed anonymously from afar and can be stolen in a split second. According to the Privacy Rights Clearing House, since February 2005, over 100 million records containing personal information have been subject to some sort of security breach. The first of these incidents to come to light involved commercial data broker ChoicePoint, which in February 2005 reported that identity thieves had gained access to personal information of 163,000 people. The identity thieves had obtained the information by setting up sham accounts with ChoicePoint. ChoicePoint eventually settled with the FTC for $15 million, including $5 million for consumer redress. However, consumers might never have found out about the breach. The incident only came to light because of a law California had recently adopted requiring ChoicePoint and others to provide notice of security breaches involving personal information to California residents who were affected by the breach. As a result of the California law, Americans for the first time began learning that data brokers and others were routinely collecting and selling their personal information, and in so doing, they were not always keeping the information secure.

After the ChoicePoint incident came a long series of security breaches involving major American companies. In March of 2005, Designer Shoe Warehouse reported that hackers had gained access to personal information, including credit card numbers, on over 100,000 of its customers. Weeks later, Lexis Nexis reported that hackers had gained access to the personal information of over 300,000 individuals. Other blue-chip companies where unauthorized persons have gained access to personal information include Wal-Mart, General Motors, Wachovia Bank, H&R Block, Honeywell, AT&T, Lloyd's of London, ARCO, Visa, MasterCard, Bank of America, FedEx, OfficeMax, Blue Cross Blue Shield and Ralph Lauren. The largest incident came in June 2005, when Card Systems, which processes payments for the country's largest banks and credit card companies, reported that hackers had accessed 40 million records containing personal information. Most recently, TJ Maxx Stores and MoneyGram both had the personal information of their customers stolen from their computer systems. This list only includes security breaches involving wrong-doers who were trying to obtain personal information. The list would be much longer had it included inadvertent disclosure of personal information or incidents involving stolen computers or other equipment that happened to contain personal information.

A large number of colleges and universities have also suffered significant breaches, including the University of Southern California, which in July of 2005 reported that hackers has accessed 270,000 records containing personal data. Other educational institutions that have been hacked include Boston College, Northwestern University, Tufts University, UCLA, Michigan State, Carnegie Mellon, Perdue, Stanford, Duke, the University of Iowa, the University of Colorado, and the University of Utah.

Governments also have not been immune from attempts by identity thieves to obtain personal information. Hackers have accessed personal data at the Department of Defense, Department of Energy, the Air Force and the Department of Agriculture. Hackers obtained over half a million records containing personal data from a State agency in Georgia. The San Diego County Employees Retirement Association, the California Department of Corrections, the Nebraska Treasurers office, the city of Lubbock, TX, and a Women, Infants and Children (WIC) program in Hawaii have all been the victims of similar thefts.

Electronic personal data is more valuable because identity thieves can steal a large volume of data and use it before anyone even knows their personal information has been compromised. For the last 5 years, identity theft has topped the FTC's list of consumer complaints. From 2002 to 2004, the number of complaints rose 52 percent, to 246,570. Put another way, that's one complaint every 2 minutes. But this is only the tip of the iceberg. Not all consumers report identity theft to the FTC. Not all victims report identity theft to their local police. Sixty percent of those who did file a report with the FTC did not call their local police department. It stands to reason that many did not call the FTC.

A recent study by the Better Business Bureau concluded that 8.9 million Americans were victims of identity fraud in 2006, and that each victim lost approximately $6,300. Ultimately, it has been predicted that nearly 20 percent of Americans will become victims of identity theft. Worse, according to the study, it took victims an average of 40 hours on the phone with creditors and credit bureaus to clear their names. I use the term ''clear'' loosely, because in many cases the damage caused by identity theft is irreversible. Victims will have fraud alerts on their credit reports for years to come, making it more difficult for them to open new accounts or make major purchases. Some will be erroneously contacted by collection agencies. Many will not even know they have been victimized until they try to get a car loan or a mortgage on a home.

Individuals who have not yet been victims also suffer. Businesses lose nearly $50 billion a year from identity thieves posing as customers. These losses translate into increased prices for every consumer. All Americans are victims of identify theft, even if their own information remains secure.

In some cases, the availability of electronic personal data can lead to tragedy. In 1999, a former high school classmate of Amy Lynn Boyer obtained her former work address and Social Security number from an on-line data broker. Using this information, he called Amy's mother and posed as the former employer, convincing Amy's mom to give him Amy's new work address. He then drove to Amy's workplace and fatally shot her.

In an effort to protect the privacy and security of our personal information, and prevent future tragedies, small and large, last Congress, Senator LEAHY and I introduced the Personal Data Privacy and Security Act. The problem is one of large proportions and many have views on how to go about tackling it. Six committees, three on the House side and three on the Senate side, introduced legislation last Congress addressing data security. At least two other Senate committees became involved in the issue. It is my hope that the differences among committees and members can be bridged this Congress. The problem is simply too large to ignore.

In an effort to start that process, Senator LEAHY and I are again introducing the Personal Data Privacy and Security Act. We are reintroducing the bill in largely the same form that it was approved by the Judiciary Committee last Congress. The bill takes a comprehensive approach to the problem, an approach I believe is necessary. First, the legislation goes after identity thieves by increasing penalties for crimes involving electronic personal information. It also contains criminal penalties for those who intentionally conceal a security breach involving personal data. Those who actively conceal breaches attempt to protect themselves by gambling with the reputations and finances of innocent Americans. They deserve to be punished.

The bill also empowers Americans to look after the privacy of their own information. The bill will allow individuals to gain access to their personal information when it is in the hands of commercial data brokers. For individuals who believe their information is wrong—possibly because the activities of identity thieves—data brokers must provide assistance with correcting their information.

The legislation also places some of the burden of protecting privacy on those that collect personal information. It will require the companies, government agencies, universities and others that deal with personal information to identify and remedy any weaknesses in their computer systems.

Such measures will not always be enough. As I've already noted, the nature of electronic information makes it vulnerable even when reasonable steps are taken to protect it. Currently, over 30 States have adopted legislation requiring companies, agencies, universities and others to give notice when they experience a security breach that involves personal information. However, no Federal law imposes such a requirement. As a result, companies are forced to comply with over 30 different State laws, an expensive and time-consuming endeavor.

The Personal Data Privacy and Security Act requires that both affected individuals and law enforcement receive notice. Knowledge is power. Once individuals learn that their personal information is exposed, they can take steps to protect themselves. And, the company, school or agency that experienced the breach must help. They must provide individuals whose data was lost with credit monitoring. For large breaches, the media must be notified. Media reports over the 2 years have made Americans far more aware of the problem of security breaches. Hopefully, we can raise awareness by continuing the practice of making public announcements. Notice will also give law enforcement a head start in catching those who steal personal information.

Finally, this legislation will protect the privacy of all Americans by providing a check on the government's use of commercial databases. Federal law enforcement agencies use commercial databases to track criminals and criminal activity. Correctly used, these databases can be very useful tools in the fight against crime. However, there should be some check on their use. The bill makes it clear that protections similar to those provided by the Privacy Act are applied to the government's use of commercial databases. The legislation also aims at making sure the government's use of such data is secure.

This bill represents a comprehensive effort to protect the privacy and security of the personal information of all Americans. The lives of most Americans have been made easier because our personal information is readily available to those who have a legitimate need for it. This legislation aims to keep such information out of the hands of those who have no legitimate need for it. I want to take a moment to thank my colleague, Senator LEAHY, who has been tireless in his efforts to promote individual privacy. He has long fought these issues on the Senate floor and has been a leader in securing the privacy rights of all Americans. I urge my colleagues to join us in supporting this important legislation.

Mr. FEINGOLD. Mr. President, I am proud to be an original cosponsor of the Personal Data Privacy and Security Act of 2007. This bill is a much-needed solution to the daunting problem of ensuring the privacy and the security of our personal data, which has become such a precious commodity.

Several forces are converging to make our personal information more valuable—and more vulnerable—than ever. The world is digital and so is our personal data. In this day and age, almost everything we do results in a third party creating a digital record about us—digital records that we may not even realize exist. We seek the convenience of opening bank accounts, managing our credit cards, and making major purchases over the Internet. And we often complete these transactions without ever speaking to another person face-to-face or over the telephone. Businesses, nonprofits, and political parties are personalizing their messages, products, and services to a degree we've never seen before, and they are willing to invest significant amounts of money in collecting personal information about potential customers or donors. And we are living in an age where identity-based screening and security programs can be vitally important, resulting in more information being collected about individuals in an attempt to identify them accurately.

As a result, personal information has become a hot commodity that is bought, sold, and—as so often happens when something becomes valuable—stolen.

We are at a crossroads. We all know about the security breaches that have been on the front pages of newspapers. They have placed the identities of hundreds of thousands of Americans at risk. The fear among the American public is so widespread that it has become the basis of an entire ad campaign by a credit card company.

But this is about much more than information security. Until California law required a company named ChoicePoint to notify individuals in 2005 that their information was compromised and that they might be vulnerable to identity theft, many Americans had never heard of ChoicePoint. As news stories focused on the data broker business, many Americans were surprised to discover that companies are creating digital dossiers about them that contain massive amounts of information, and that these companies sell that information to commercial and government entities. The revelations about these security breaches highlighted the fact that Americans need a better understanding of what happens to their information in a digital world—and what kind of consequences they can face as a result.

When I am back home in Wisconsin, I hear from people who do not understand why companies have the right to sell their sensitive personal information. I hear from people who are shocked to discover that personal information about them is available for free on the Internet.

There is no question that data aggregators facilitate societal benefits, allowing consumers to obtain instant credit and personalized services, and allowing police officers to locate suspects. But these companies also gather a great deal of potentially sensitive information about individuals, and in many instances they go largely unregulated.

Too many of my constituents feel that they have lost control over their own information. Congress must return some power to individual Americans so that we can all better understand and manage what happens to our own personal data.

The Personal Data Privacy and Security Act takes a comprehensive approach to the privacy and security problems we face. It gives consumers back some control over their own information. The bill requires data brokers to allow consumers to access their own information and to investigate when consumers tell them that corrections are necessary. And it requires companies to give notice to affected consumers and to law enforcement if there is a serious security breach, so that individuals know their identity may be at risk and can take steps to protect themselves.

In addition, the bill extends existing criminal law to ensure that it covers unauthorized access of data broker systems, as well as concealment of security breaches. It requires companies that buy and sell information to have appropriate data security systems in place. These protections will help safeguard against future privacy violations and security breaches in the commercial data industry. But that is not all this bill accomplishes.

The bill also contains some critically important privacy and security provisions to govern the government's use of commercial data. This is an aspect of the data broker business that has not yet gotten as much attention in the wake of the security breaches over the past few years. The information gathered by these companies is not just sold to individuals and businesses; government agencies of all stripes also buy or subscribe to information from commercial sources. We all remember the discovery in 2005 that the Pentagon had a contract with a marketing firm to analyze commercial and other data about high school and college students.

Although the government should be able to access commercial databases in appropriate circumstances, there are few existing rules or guidelines to ensure this information is used responsibly. Nor are there restrictions on the use of commercial data for powerful, intrusive data mining programs. The Privacy Act, which governs when government agencies themselves are collecting data, likely does not apply because the information is held outside the government and is not gathered solely at government direction.

As a result, there is a great deal we do not know about government use of commercial data, even in clearly appropriate circumstances such as when the agency's goal is simply to locate an individual already suspected of a crime.

We don't know under what circumstances government employees can obtain access to these databases or for what purposes. We don't know how government agencies evaluate the accuracy of the databases to which they subscribe. We don't know how the accuracy level of the data affects government use of the data. We don't know how employees are monitored to ensure they do not abuse their access to these databases. We don't know how those who misuse the information are punished. And we don't know how government agencies, particularly those engaged in sensitive national security investigations, ensure that the data brokers cannot keep records of who the government is investigating, records which themselves could create a huge security risk in light of the vulnerabilities that have come to the forefront in recent months.

That is why I am so pleased that this bill includes provisions to address the government's use of commercial data. A comprehensive approach to data privacy and security would be incomplete without taking on this piece of the puzzle. The bill recognizes there are many legitimate reasons for government agencies to obtain commercially available data, but that they need to be subject to privacy and security protections. It takes a common sense approach, pushing government agencies to take basic steps to ensure that individuals' personal information is secure and only used for legitimate purposes, and that the commercial information the government is paying for and relying on is accurate and complete.

Specifically, the bill would require that federal agencies that subscribe to commercial data adopt standards governing its use. These standards would reflect long-standing basic privacy principles. The bill would ensure that government agencies consider and determine which personnel will be permitted to access the information and under what circumstances; develop retention policies for this personal data and get rid of data they no longer need, minimizing the opportunity for abuse or theft; rely only on accurate and complete data, and penalize vendors who knowingly provide inaccurate information to the Federal Government; provide individuals who suffer adverse consequences as a result of the agency's reliance on commercial data with a redress mechanism; and establish enforcement mechanisms for those privacy policies.

The bill also directs the General Services Administration to review government contracts for commercial data to make sure that vendors have appropriate security programs in place, and that they do not provide information to the government that they know to be inaccurate. And it requires agencies to audit the information security practices of their vendors.

These are basic good government measures. They guarantee that the Federal Government is not wasting money on inaccurate data and that vendors are undertaking the security programs that they have promised and for which the government is paying.

We live in a new digital world. The law may never fully keep up with technology, but we must make every effort we can. I am proud to be involved in this comprehensive, reasoned approach to privacy and security, and I hope it will move forward in this Congress. I congratulate Senators LEAHY and SPECTER for their excellent work on this bill. This bill is important and it deserves serious consideration.

By Mrs. BOXER:

S. 497. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. BOXER. Mr. Pesident, today I rise to introduce a bill for myself and Senator FEINSTEIN to allow for subway tunneling in parts of Los Angeles.

In 1985, in response to a methane gas explosion that destroyed a Ross Dress for Less Store in Los Angeles, Representative WAXMAN worked to enact a law that prohibits subway tunneling in his district.

In 2004, the Los Angeles City Council passed a motion in support of reversing the laws banning tunneling. In February 2005, the Los Angeles Metropolitan Transportation Authority board also voted to begin discussions of subway expansion.

As a result, a panel of scientific experts was created to conduct an independent safety review that determined that subway tunneling could move forward safely with new technology.

Representative WAXMAN introduced a bill to lift the Federal tunneling prohibition in the last Congress—where it passed the House—and again in this Congress. Senator FEINSTEIN and I are introducing the same bill in the Senate.

This legislation has the support of Los Angeles Mayor Antonio Villaraigosa and the Los Angeles Metropolitan Transportation Authority.

This bill is necessary to expand the subway, which is extremely important in Los Angeles—a city that ranks time and time again as the most congested region in the country. The Wilshire corridor is densely populated and is a large commercial area. The freeways and streets are filled—we need transit in this area.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 498. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to address the needs of the nearly one-quarter of all Medicare beneficiaries who live in rural America. These beneficiaries are systematically disadvantaged in the Medicare program. The beauty of Medicare is its equity, its universality, and its accessibility. But we have compromised these values by stratifying payments, by under-representing rural voices on the Medicare Payment Advisory Commission, and by continuing to use obsolete payment data that hurts rural America.

First, we must stop indexing physician payments for work based on geographic differences. Rural areas already have a hard enough time recruiting and retaining the Nation's top talent. Currently, even though 25 percent of Medicare beneficiaries live in rural areas, only 10 percent of the Nation's physicians serve them. Lower payments to doctors in these areas only perpetuate this dangerous shortage of medical expertise. We should not be discouraging medical school graduates from moving to underserved rural areas by continuing to offer sub-par pay—in fact, we should be providing incentives to encourage them to work in underserved areas. My legislation proposes a project to help rural facilities to host educators and clinical practitioners in clinical rotations.

Lack of dollars to rural health facilities has also prevented communities from investing in vital information technology. The Institute of Medicine published a report in 2005 detailing the ways in which health IT could assist isolated communities. For example, since rural physicians tend to be generalists rather than specialists, virtual libraries within physician offices would provide both doctors and patients with a wider and deeper source of information at their fingertips. Rural residents can also be quite far from health facilities, so technology that allows emergency room physicians to communicate with EMS workers in an ambulance can help patients receive life-saving treatment before they physically reach the hospital. These kinds of technologies will improve both the quality and efficiency of care given in rural areas. My legislation offers funding for

quality improvement demonstration projects, to allow isolated communities to invest in this otherwise out of reach technology.

Lastly, this legislation will end the disproportionately low representation of rural interests on the Medicare Payment Advisory Commission. This lack of representation has resulted in policies that hurt rural communities. Those policies have hurt—and continue to hurt—the people of my State of Wisconsin, and they hurt my colleague Senator COLLINS' constituents as well. For every dollar that Medicare spends on the average beneficiary in the average State in this country, Medicare spends only 82 cents on a beneficiary in Wisconsin. In Maine, Medicare spends only 80 cents per dollar it spends on the average beneficiary.

How is this the case, if beneficiaries in Wisconsin and in Maine pay the same payroll taxes as beneficiaries in other States? Because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and to much of the Upper Midwest. Wisconsinites pay payroll taxes just like every American taxpayer, but the Medicare funds we get in return are lower than those received in many other States.

With the guidance and support of people across my State who are fighting for Medicare fairness, I am introducing this legislation to address Medicare's discrimination against Wisconsin's seniors and health care providers. My bill will decrease some of the inequitable payments that harm rural areas. It will provide rural areas the help they need to grow crucial health information technology infrastructure. It will offer the necessary incentives to help attract the Nation's top medical talent to underserved rural areas. And it will mandate rural representation on the Medicare Payment Advisory Commission. Rural seniors are already underserved in their communities; they should not be underrepresented in Washington as well.

Rural Americans have worked hard and paid into the Medicare program all their lives. In return, they deserve full access to the same benefits as seniors throughout the country: their choice of highly skilled physicians, use of the latest technologies, and a strong voice representing their needs in Medicare policy.

I ask unanimous consent that the text of my 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. 498

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 ''Rural Medicare Equity 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. Elimination of geographic physician work adjustment factor from geographic indices used to adjust payments under the physician fee schedule.
Sec. 3. Clinical rotation demonstration project.
Sec. 4. Medicare rural health care quality improvement demonstration projects.
Sec. 5. Ensuring proportional representation of interests of rural areas on the Medicare Payment Advisory Commission.
Sec. 6. Implementation of GAO recommendations regarding geographic adjustment indices under the Medicare physician fee schedule.

SEC. 2. ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR FROM GEOGRAPHIC INDICES USED TO ADJUST PAYMENTS UNDER THE PHYSICIAN FEE SCHEDULE.

(a) FINDINGS.—Congress finds the following:

(1) Variations in the geographic physician work adjustment factors under section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) result in inequity between localities in payments under the Medicare physician fee schedule.

(2) Beneficiaries under the Medicare program that reside in areas where such adjustment factors are high have relatively more access to services that are paid based on such fee schedule.

(3) There are a number of studies indicating that the market for health care professionals has become nationalized and historically low labor costs in rural and small urban areas have disappeared.

(4) Elimination of the adjustment factors described in paragraph (1) would equalize the reimbursement rate for services reimbursed under the Medicare physician fee schedule while remaining budget-neutral.

(b) ELIMINATION.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) is amended—

(1) in paragraph (1)(A)(iii), by striking ''an index'' and inserting ''for services provided before January 1, 2008, an index''; and

(2) in paragraph (2), by inserting '', for services provided before January 1, 2008,'' after ''paragraph (4)), and''.

(c) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)), as amended by section 101 of the Medicare Improvement and Extension Act of 2006, is amended—

(1) in paragraph (1)(A), by striking ''The conversion'' and inserting ''Subject to paragraph (8), the conversion''; and

(2) by adding at the end the following new paragraph:

''(8) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Before applying an update for a year under this subsection, the Secretary shall (if necessary) provide for an adjustment to the conversion factor for that year to ensure that the aggregate payments under this part in that year shall be equal to aggregate payments that would have been made under such part in that year if the amendments made by section 2(b) of the Rural Medicare Equity Act of 2007 had not been enacted.''.

SEC. 3. CLINICAL ROTATION DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a demonstration project that provides for demonstration grants designed to provide financial or other incentives to hospitals to attract educators and clinical practitioners so that hospitals that serve beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who are residents of underserved areas may host clinical rotations.

(b) DURATION OF PROJECT.—The demonstration project shall be conducted over a 5-year period.

(c) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration project under this section.

(d) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on the demonstration project and a final report on such project within 6 months after the conclusion of the project together with recommendations for such legislative or administrative action as the Secretary determines appropriate.

(e) FUNDING.—There are appropriated to the Secretary $20,000,000 to carry out this section.

(f) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term ''hospital'' means any subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) that had indirect or direct costs of medical education during the most recent cost reporting period preceding the date of enactment of this Act.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) UNDERSERVED AREA.—The term ''underserved area'' means such medically underserved urban areas and medically underserved rural areas as the Secretary may specify.

SEC. 4. MEDICARE RURAL HEALTH CARE QUALITY IMPROVEMENT DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish not more that 10 demonstration projects to provide for improvements, as recommended by the Institute of Medicine, in the quality of health care provided to individuals residing in rural areas.

(2) ACTIVITIES.—Activities under the projects may include public health surveillance, emergency room videoconferencing, virtual libraries, telemedicine, electronic health records, data exchange networks, and any other activities determined appropriate by the Secretary.

(3) CONSULTATION.—The Secretary shall consult with the Rural Health Quality Advisory Commission, the Office of Rural Health Policy of the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, and the Centers for Medicare & Medicaid Services in carrying out the provisions of this section.

(b) DURATION.—Each demonstration project under this section shall be conducted over a 4-year period.

(c) DEMONSTRATION PROJECT SITES.—The Secretary shall ensure that the demonstration projects under this section are conducted at a variety of sites representing the diversity of rural communities in the Nation.

(d) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration projects under this section.

(e) INDEPENDENT EVALUATION.—The Secretary shall enter into an arrangement with

an entity that has experience working directly with rural health systems for the conduct of an independent evaluation of the projects conducted under this section.

(f) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on each demonstration project and a final report on such project within 6 months after the conclusion of the project. Such reports shall include recommendations regarding the expansion of the project to other areas and recommendations for such other legislative or administrative action as the Secretary determines appropriate.

(g) FUNDING.—There are appropriated to the Secretary $50,000,000 to carry out this section.

SEC. 5. ENSURING PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS ON THE MEDICARE PAYMENT ADVISORY COMMISSION.

(a) IN GENERAL.—Section 1805(c)(2) of the Social Security Act (42 U.S.C. 1395b–6(c)(2)) is amended—

(1) in subparagraph (A), by inserting ''consistent with subparagraph (E)'' after ''rural representatives''; and

(2) by adding at the end the following new subparagraph:

''(E) PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS.—In order to provide a balance between urban and rural representatives under subparagraph (A), the proportion of members who represent the interests of health care providers and Medicare beneficiaries located in rural areas shall be no less than the proportion, of the total number of Medicare beneficiaries, who reside in rural areas.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appointments made to the Medicare Payment Advisory Commission after the date of the enactment of this Act.

SEC. 6. IMPLEMENTATION OF GAO RECOMMENDATIONS REGARDING GEOGRAPHIC ADJUSTMENT INDICES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall implement the recommendations contained in the March 2005 GAO report 05–119 entitled ''Medicare Physician Fees: Geographic Adjustment Indices are Valid in Design, but Data and Methods Need Refinement.''.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. REID, Mr. SCHUMER, Mr. BROWN, Mr. FEINGOLD, and Mrs. CLINTON):

S. 500. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise to speak about bi-partisan legislation I am introducing today. I am proud to be joined by Senator MEL MARTINEZ, Senator BOB MENENDEZ, and 20 additional Senators from both sides of the aisle.

The National Museum of the American Latino Community Commission Act will establish a Commission to study the potential creation of a National Museum of the American Latino Community. The Commission members, selected by the President and Members of Congress, will be tasked with studying the impact of such a Museum and the cost of constructing and maintaining a museum, developing a plan of action and a fundraising plan, and proposing recommendations to make the Museum a reality.

As we begin our efforts to pass this significant legislation, the U.S. House of Representatives is set to complete their consideration of H.R. 512, the House companion bill, and will pass the bill on the House floor today. It has been a pleasure to working with Representative XAVIER BECERRA and Representative ILEANA ROS-LEHTINEN, who have championed this legislation for several years. I hope to work with the Senate Energy and Natural Resource Committee to quickly advance the Senate bill, so that we can, at last, move forward.

If we are successful in our efforts, I believe we will have done our part to enhance the experience of the millions who visit our Nation's capital every year. By passing this legislation, we will contribute to the ongoing, deeply rewarding, and profoundly important process of national self-discovery.

Washington, DC is the symbolic heart of our country. When Americans travel to their capital, they expect the museums, monuments, and national parks they visit to reflect the complete American experience. I celebrate the opening of the National Museum of the America Indian and efforts underway to establish the National Museum of African American History and Culture because I believe we must celebrate our rich, diverse national heritage.

Hispanics have long been a part of our country's history and my own family's story illustrates this truth.

Over 400 years ago, in 1598, my family helped found the oldest city in what is now these United States. They named the city Santa Fe—the City of Holy Faith—because they knew the hand of God would guide them through the struggles of survival in the ages ahead. In Hispanic Pioneers in Colorado and New Mexico, a new book by Colorado Society of Hispanic Genealogy, their triumph over extreme adversity is documented. The time has come for the story of these pioneers to be told in our Nation's capital.

As a proud American, I want to ensure that every individual who visits Washington has a chance to learn the full history of who we are as Americans. It is my hope that the Senate can work to pass this important bill. In doing so, we will preserve our shared America history.

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. 500

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007''.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows:

(1) The President shall appoint 7 voting members.

(2) The Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 3 voting members.

(3) In addition to the members appointed under paragraph (2), the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 1 nonvoting member.

(c) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(1) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(A) expertise in museum administration;

(B) expertise in fundraising for nonprofit or cultural institutions;

(C) experience in the study and teaching of Latino culture and history at the post-secondary level;

(D) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(E) extensive experience in public or elected service; or

(2) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

SEC. 3. FUNCTIONS OF THE COMMISSION.

(a) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (in this Act referred to as the ''Museum'').

(b) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(c) REPORT ON ISSUES.—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and Congress on, the following issues:

(1) The availability and cost of collections to be acquired and housed in the Museum.

(2) The impact of the Museum on regional Hispanic- and Latino-related museums.

(3) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(4) Whether the Museum should be located within the Smithsonian Institution.

(5) The governance and organizational structure from which the Museum should operate.

(6) How to engage the American Latino community in the development and design of the Museum.

(7) The cost of constructing, operating, and maintaining the Museum.

(d) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under subsection (a) and the report submitted under subsection (c), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committees on Natural Resources of the House of Representatives and the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(e) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(b) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(c) TRAVEL EXPENSES.—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) FEDERAL ADVISORY COMMITTEE ACT.—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

SEC. 5. DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.

(a) DEADLINE.—The Commission shall submit final versions of the reports and plans required under section 3 not later than 24 months after the date of the Commission's first meeting.

(b) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to subsection (a).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for carrying out the activities of the Commission $2,100,000 for the first fiscal year beginning after the date of enactment of this Act and $1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

By Mr. SMITH:

S. 504. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Long-Term Care Trust Account Act of 2007. I am pleased to be joined by my colleague Senator BLANCHE LINCOLN who has been a tireless leader on issues of importance to the health of our Nation. I look forward to continuing to work with Senator LINCOLN on this legislation as well as other opportunities to improve health care in America.

We are an aging Nation. With babyboomers rapidly retiring, the need for long-term care planning is becoming even more critical. However, we know all too well that planning for the likelihood of disability in young or old age is not done as actively as we would like it to be. Currently, only about 7 percent of all money spent on long-term care comes from private insurance. Too often, insurance is not being purchased, funds are not being saved and persons with disabilities are forced to rely on Medicaid for their daily care.

As a Nation, we need to do better. Senator LINCOLN and I believe that our bill will encourage Americans to invest in their futures and in their care, which is an important first step.

Specifically, our legislation will create a new type of savings mechanism for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to $5,000 per year to their account and receive a refundable 10 percent tax credit on that contribution. Interest accrued on these accounts will be tax free, and funds could be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. Our bill also will allow an individual to make contributions to another person's Long-Term Care Trust Account. This will allow relatives to help their parents or a loved one prepare for their future health care needs.

The Centers for Medicare and Medicaid Services estimates that national spending for long-term care was more than $190 billion in 2004, representing about 12.5 percent of all personal health care expenditures. While those numbers already are staggering, we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care are over age 65, with this number expected to double by 2030. We also know that the population over age 85, those most likely to need long-term services and supports, is expected to increase more than 250 percent by 2040 from 4.3 million to 15.4 million.

Today, millions of Americans are receiving or are in need of long-term care services and supports. Surprisingly, more than 40 percent of persons receiving long-term care are between the ages of 18 and 64. Some were born with disabilities; others came to be disabled through accident or illness. No one can predict their long-term health care needs. Therefore, everyone needs to be prepared.

Currently, long-term care insurance is the main way to prepare for possible future care and support needs. Long-term care insurance helps protect assets and income from the devastating financial consequences of long-term health care costs. Today's comprehensive long-term care insurance policies allow consumers to choose from a variety of benefits and offer a wide range of coverage choices. They allow individuals to receive care in a variety of settings including nursing homes, home care, assisted living facilities and adult day care. Some of the most recent policies also provide a cash-benefit that a consumer can spend in the manner he or she chooses. When we buy long-term care insurance, we are also working to ensure that we can make more independent long-term care decisions and reduce the strain on state Medicaid budgets.

Unfortunately, for too many, the struggle to pay the immediate costs of long-term care insurance sometimes outweighs the security these products would provide. As Americans are spending more and saving less, I fear the American middle class is woefully unprepared to meet the coming challenges of their long-term care needs. Moving forward in our effort to help individuals prepare for life in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services. The Long-Term Care Trust Account Act of 2007 is designed to achieve both goals.

It is my hope that this legislation will help all Americans save for their future and their independence during times of vulnerability. I urge my colleagues on both sides of the aisle to support this important 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. 504

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 ''Long-Term Care Trust Account Act of 2007''.

SEC. 2. LONG-TERM CARE TRUST ACCOUNTS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

''PART IX—LONG-TERM CARE TRUST ACCOUNTS

''SEC. 530A. LONG-TERM CARE TRUST ACCOUNTS.

''(a) GENERAL RULE.—A Long-Term Care Trust Account shall be exempt from taxation

under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

''(b) LONG-TERM CARE TRUST ACCOUNT.—For purposes of this section, the term 'Long-Term Care Trust Account' means a trust created or organized in the United States for the exclusive benefit of an individual who is the designated beneficiary of the trust and which is designated (in such manner as the Secretary shall prescribe) at the time of the establishment of the trust as a Long-Term Care Trust Account, but only if the written governing instrument creating the trust meets the following requirements:

''(1) Except in the case of a qualified rollover contribution described in subsection (d)—

''(A) no contribution will be accepted unless it is in cash, and

''(B) contributions will not be accepted for the calendar year in excess of the contribution limit specified in subsection (c)(1).

''(2) The trustee is a bank (as defined in section 408(n)), an insurance company (as defined in section 816), or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section or who has so demonstrated with respect to any individual retirement plan.

''(3) No part of the trust assets will be invested in life insurance contracts.

''(4) The interest of an individual in the balance of his account is nonforfeitable.

''(5) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

''(6) Except as provided in subsection (e)(2), no distribution will be allowed if at the time of such distribution the designated beneficiary is not a chronically ill individual (as defined in section 7702B(c)(2)).

''(c) TAX TREATMENT OF CONTRIBUTIONS.—

''(1) CONTRIBUTION LIMIT.—

''(A) IN GENERAL.—The aggregate amount of contributions (other than qualified rollover contributions described in subsection (d)) for any taxable year to all Long-Term Care Trust Accounts maintained for the benefit of the designated beneficiary shall not exceed $5,000.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the dollar amount under subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the medical care cost adjustment determined under section 213(d)(10)(B)(ii) for the calendar year in which the taxable year begins, determined by substituting '2006' for '1996' in subclause (II) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.

''(2) GIFT TAX TREATMENT OF CONTRIBUTIONS.—For purposes of chapters 12 and 13—

''(A) IN GENERAL.—Any contribution to a Long-Term Care Trust Account on behalf of any designated beneficiary—

''(i) shall be treated as a completed gift to such beneficiary which is not a future interest in property, and

''(ii) shall not be treated as a qualified transfer under section 2503(e).

''(B) TREATMENT OF EXCESS CONTRIBUTIONS.—If the aggregate amount of contributions described in subparagraph (A) during the calendar year by a donor exceeds the limitation for such year under section 2503(b), such aggregate amount shall, at the election of the donor, be taken into account for purposes of such section ratably over the 5-year period beginning with such calendar year.

''(d) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section, the term 'qualified rollover contribution' means a contribution to a Long-Term Care Trust Account—

''(1) from another such account of the same beneficiary, but only if such amount is contributed not later than the 60th day after the distribution from such other account, and

''(2) from a Long-Term Care Trust Account of a spouse of the beneficiary of the account to which the contribution is made, but only if such amount is contributed not later than the 60th day after the distribution from such other account.

''(e) TAX TREATMENT OF DISTRIBUTIONS.—

''(1) IN GENERAL.—Any distribution from a Long-Term Care Trust Account shall be includible in the gross income of the distributee in the manner as provided under section 72 to the extent not excluded from gross income under any other provision of this subsection.

''(2) LONG-TERM CARE INSURANCE PREMIUMS.—If at the time of any distribution, the designated beneficiary is not a chronically ill individual (as defined in section 7702B(c)(2)), no amount shall be includible in gross income under paragraph (1) if the aggregate premiums for any qualified long-term care insurance contract for such beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

''(3) DISTRIBUTIONS FOR QUALIFIED LONG-TERM CARE SERVICES.—For purposes of this subsection, if at the time of any distribution, the designated beneficiary is a chronically ill individual (as so defined)—

''(A) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under paragraph (1) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute expenses for any qualified long-term care services (as defined in section 7702B(c)).

''(B) CASH DISTRIBUTIONS.—In the case of distributions not described in subparagraph (A), if—

''(i) such distributions do not exceed the expenses for qualified long-term care services (as so defined), reduced by expenses described in subparagraph (A), no amount shall be includible in gross income, and

''(ii) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

''(4) CHANGE IN BENEFICIARIES OR ACCOUNTS.—Paragraph (1) shall not apply to that portion of any distribution which, within 60 days of such distribution, is transferred—

''(A) to another Long-Term Care Trust Account for the benefit of the designated beneficiary, or

''(B) to the credit of another designated beneficiary under a Long-Term Care Trust Account who is a spouse of the designated beneficiary with respect to which the distribution was made.

''(5) OPERATING RULES.—For purposes of applying section 72—

''(A) to the extent provided by the Secretary, all Long-Term Care Trust Accounts of which an individual is a designated beneficiary shall be treated as one account,

''(B) except to the extent provided by the Secretary, all distributions during a taxable year shall be treated as one distribution, and

''(C) except to the extent provided by the Secretary, the value of the contract, income on the contract, and investment in the contract shall be computed as of the close of the calendar year in which the taxable year begins.

''(6) SPECIAL RULES FOR DEATH AND DIVORCE.—

''(A) IN GENERAL.—Rules similar to the rules of paragraphs (7) and (8) of section 220(f) shall apply.

''(B) AMOUNTS INCLUDIBLE IN ESTATE OF DONOR MAKING EXCESS CONTRIBUTIONS.—In the case of a donor who makes the election described in subsection (c)(2)(B) and who dies before the close of the 5-year period referred to in such subsection, the gross estate of the donor shall include the portion of such contributions properly allocable to periods after the date of death of the donor.

''(7) ADDITIONAL TAX.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from a Long-Term Care Trust Account which is includible in gross income shall be increased by 25 percent of the amount which is so includible under rules similar to the rules of section 530(d)(4).

''(8) DENIAL OF DOUBLE BENEFIT.—For purposes of determining the amount of any deduction under this chapter, any payment or distribution out of a Long-Term Care Trust Account shall not be treated as an expense paid for medical care.

''(f) DESIGNATED BENEFICIARY.—For purposes of this section, the term 'designated beneficiary' means the individual designated at the commencement of participation in the Long-Term Care Trust Account as the beneficiary of amounts paid (or to be paid) to the account.

''(g) LOSS OF TAXATION EXEMPTION OF ACCOUNT WHERE BENEFICIARY ENGAGES IN PROHIBITED TRANSACTION.—Rules similar to the rules of paragraph (2) of section 408(e) shall apply to any Long-Term Care Trust Account.

''(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account or an annuity contract issued by an insurance company qualified to do business in a State shall be treated as a trust under this section if—

''(1) the custodial account or annuity contract would, except for the fact that it is not a trust, constitute a trust which meets the requirements of subsection (b), and

''(2) in the case of a custodial account, the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section.

For purposes of this title, in the case of a custodial account or annuity contract treated as a trust by reason of the preceding sentence, the person holding the assets of such account or holding such annuity contract shall be treated as the trustee thereof.

''(i) REPORTS.—The trustee of a Long-Term Care Trust Account shall make such reports regarding such account to the Secretary and to the beneficiary of the account with respect to contributions, distributions, and such other matters as the Secretary may require. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required.''.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking ''or'' at the end of paragraph (4), by inserting ''or'' at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

''(6) a Long-Term Care Trust Account (as defined in section 530A),''.

(2) EXCESS CONTRIBUTION.—Section 4973 of such Code is amended by adding at the end the following new subsection:

''(h) EXCESS CONTRIBUTIONS TO LONG-TERM CARE TRUST ACCOUNTS.—For purposes of this section—

''(1) IN GENERAL.—In the case of Long-Term Care Trust Accounts (within the meaning of section 530A), the term 'excess contributions' means the sum of—

''(A) the amount by which the amount contributed for the calendar year to such accounts (other than qualified rollover contributions (as defined in section 530A(d))) exceeds the contribution limit under section 530A(c)(1), and

''(B) the amount determined under this subsection for the preceding calendar year, reduced by the excess (if any) of the maximum amount allowable as a contribution under section 530A(c)(1) for the calendar year over the amount contributed to the accounts for the calendar year.

''(2) SPECIAL RULE.—A contribution shall not be taken into account under paragraph (1) if such contribution (together with the amount of net income attributable to such contribution) is returned to the beneficiary before June 1 of the year following the year in which the contribution is made.''.

(c) FAILURE TO PROVIDE REPORTS ON LONG-TERM CARE TRUST ACCOUNTS.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 (relating to failure to provide reports on individual retirement accounts or annuities) is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) section 530A(i) (relating to Long-Term Care Trust Accounts).''.

(d) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART IX. LONG-TERM CARE TRUST ACCOUNTS''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. REFUNDABLE CREDIT FOR CONTRIBUTIONS TO LONG-TERM CARE TRUST ACCOUNTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by inserting after section 35 the following new section:

''SEC. 35A. CONTRIBUTIONS TO LONG-TERM CARE TRUST ACCOUNTS.

''(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the contributions to any Long-Term Care Trust Account allowed under section 530A for such taxable year.

''(b) REDUCTION BASED ON ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The percentage which would (but for this subsection) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the percentage determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The percentage determined under this paragraph is the percentage which bears the same ratio to the percentage which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's adjusted gross income for such taxable year, over

''(ii) $95,000 ($190,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(3) ADJUSTED GROSS INCOME.—For purposes of this subsection, adjusted gross income shall be determined without regard to sections 911, 931, and 933.

''(c) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 35A of such Code''.

(2) The table of sections of subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 35 the following new item:

''Sec. 35A. Contributions to Long-Term Care Trust Accounts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2005.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, Mr. COLEMAN, Mr. VITTER, Mr. SMITH, and Mr. NELSON of Nebraska).

S. 505. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

Ms. COLLINS. Mr. President, the bill that I am introducing today, along with Senators WARNER, LANDRIEU, VITTER, COLEMAN, SMITH, and NELSON of Nebraska, would increase and expand the Teacher Tax deduction provided in current law. The Teacher Tax deduction is available to school teachers and other educators who incur out-of-pocket expenses in order to purchase classroom supplies for their students. The bill we are offering today would increase this above-the-line tax deduction to $400, allow the deduction to be taken for expenses related to professional development, and make the deduction permanent.

This bill builds upon a $250 tax deduction in current law authored by Senator WARNER and myself, which became law as part of the tax relief package in 2001. This tax relief was later extended through the end of this year, but we need to act to extend it further.

I would suggest that there is no reason why we should not make the deduction permanent. Teachers who buy classroom supplies in order to improve the educational experience of their students deserve more than just our gratitude. They deserve this modest tax relief to thank them for their hard work.

So often teachers in my State, and throughout the country, spend their own money in order to improve the classroom experiences of their students. Many of us are familiar with a survey of the National Education Association that found that teachers spend, on average, $443 a year on classroom supplies. Other surveys show that they are spending even more than that. In fact, the National School Supply and Equipment Association found that educators spend an average of $826 to supplement classroom supplies, plus $926 for instructional materials on top of that—for a total of over $1,700 out of their own pockets.

In most States, including mine, teachers are very modestly paid for their jobs. I think it is so impressive that despite challenging jobs and modest salaries, teachers are willing to dig deep into their own pockets to enrich the classroom experience, because they care so deeply for their students.

Indeed, I have spoken to dozens of teachers in Maine who tell me they routinely spend far in excess of the $250 deduction limit that is in current law. I have made a practice of visiting schools all over Maine, and so far, I have had the opportunity to visit more than 160 schools in my State. At virtually every school I visit, I find teachers who are spending their own money to benefit their students. Year after year, these teachers spend hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, stamps, inkpads—everything you can think of. Let me just give you a couple of examples. Anita Hopkins and Kathi Toothaker, who are elementary school teachers from Augusta, ME, purchase books for their students to have as a classroom library, as well as workbooks and sight cards. They have also purchased special prizes for positive reinforcement for their students. Mrs. Hopkins estimates that she spends $800 to $1,000 of her own money on extra materials to make learning fun and to create a stimulating classroom environment.

This bill would also expand the Teacher Tax deduction to make it available to teachers who incur expenses for professional development. Whenever the provisions of ''No Child Left Behind'' are being debated, we hear a lot of discussion about the need for highly-qualified teachers. One of the best ways for teachers to improve their qualifications is through professional development. Yet, in towns in my State, and I suspect throughout the country, school budgets are often very tight, and money for professional development is either very limited or non-existent. For that reason, I believe we should allow this tax deduction to also apply when a teacher takes a course or attends a workshop and has to pay for it out of his or her own pocket.

In my view, students are the ultimate beneficiaries when teachers receive professional development to sharpen their skills or to learn a new approach to presenting material to their students. Studies have consistently shown that, other than involved parents, the single greatest determinant of classroom success is the presence of a well-qualified teacher. Educators themselves understand just how important professional development is to their ability to make a positive impact in the classroom.

The Teacher Tax relief that we have made available since 2001 is certainly a positive step, and I was proud to have authored that law, along with Senator WARNER. This bill would increase that deduction from $250 to $400, reflecting more accurately what teachers really spend, and would make the deduction permanent. The National Education Association has endorsed this bill, and I ask unanimous consent that a copy of the NEA's letter be printed in the RECORD at the end of my statement.

This bill is a small but appropriate means of recognizing the many sacrifices that our teachers make every day to benefit the children of America. I urge my colleagues to support it.

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

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, January 24, 2007.

Senator SUSAN COLLINS,
Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND WARNER: On behalf of the National Education Association's, NEA, 3.2 million members, we would like to express our strong support for your legislation that would increase, expand, and make permanent the tax deduction for educators' out-of-pocket classroom supply expenses. We thank you for your continued leadership and advocacy on this important issue.

As you know, the educator tax deduction helps recognize the financial sacrifices made by teachers and paraprofessionals, who often reach into their own pockets to purchase classroom supplies such as books, pencils, paper, and art supplies. Studies show that teachers are spending more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, NEA's 2003 report Status of the American Public School Teacher, 2000–2001 found that teachers spent an average of $443 a year on classroom supplies. More recently, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

By increasing the current deduction and making it permanent, your legislation will make a real difference for many educators, who often must sacrifice other personal needs in order to pay for classroom supplies.

NEA also strongly supports your proposal to extend the tax deduction to cover out-of-pocket professional development expenses. Teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21 st century. Your bill will make a critical difference in helping educators access quality training.

We thank you again for your work on this important legislation and look forward to continuing to work with you to support our nation's educators.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager, Policy and Politics.

Mr. WARNER. Mr. President, I rise today in support, once again, of America's teachers by joining with Senator COLLINS in introducing legislation regarding the Teacher Tax Relief Act.

Senator COLLINS and I have worked closely for some time now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as part of their profession. In the 107th Congress, we were successful in providing much needed tax relief for our Nation's teachers with passage of H.R. 3090, the ''Job Creation and Worker Assistance Act of 2002.''

This legislation, which was signed into law by President Bush, included the Collins/Warner ''Teacher Tax Relief Act of 2001'' provisions that provided a $250 above the line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students. These important provisions provided almost half a billion dollars worth of tax relief to teachers all across America in 2002 and 2003.

In the 108th Congress we were able to successfully extend the provisions of the Teacher Tax Relief Act for 2004 and 2005. In the 109th Congress we were able to successfully extend the provisions for 2006 and 2007.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends $826 out of their own pocket each year on classroom materials—materials such as pens, pencils and books. First year teachers spend even more.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the Nation's teaching shortage by providing a $250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than $250 a year out of their own pocket to better the education of our children.

Accordingly, Senator COLLINS and I have joined together to take another step forward by introducing this legislation.

This proposed legislation will build upon current law in three ways. The legislation will: One, increase the above-the-line deduction, as President Bush has called for, from $250 allowed under current law to $400; two, allow educators to include professional development costs within that $400 deduction. Under current law, up to $250 is deductible but only for classroom expenses; and three, make the Teacher Tax Relief provisions in the law permanent. Current law sunsets the Collins/Warner provisions after 2007.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. And, in my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

This Teacher Tax Relief Act is another step forward in providing our educators with the recognition they deserve.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, and Mrs. BOXER):

S. 506. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes; to the committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I am pleased to be joined by my colleagues, Senators SNOWE and BOXER, to introduce the High Performance Green Buildings Act. This legislation encourages the government to improve the energy efficiency, indoor air quality, and environmental impacts of our Nation's Federal buildings, and will re-energize and focus the Federal Government's leadership and commitment on this issue.

Buildings in the United States have an enormous impact on the environment and also on our overall energy situation. According to the Department of Energy, buildings in the United States use almost 40 percent of the total energy consumed in this country. That figure is expected to rise to 53 percent by 2030, meaning that over half of the energy consumed in this country will be used by buildings alone. In addition, buildings are the source of 35 percent of national carbon dioxide emissions, 49 percent of sulfur dioxide emissions, and 25 percent of nitrogen oxide emissions.

However, the impact of buildings is even broader than that. Americans spend approximately 90 percent of their time indoors and the quality of the air they breathe can have an impact on their health, as well as work productivity and absenteeism. The U.S. Green Buildings Council, a national non-profit, indicates that on average, installing high performance lighting enhances worker productivity by 6.7 percent. There are also numerous sources of indoor air pollutants, ranging from mold to radon, and strong building design that considers ventilation can help to remedy these potential health problems.

It is important that we confront these issues, and our legislation does just that. High Performance Green Buildings are designed with the impact on occupants, surroundings and energy consumption in mind. Buildings designed or renovated on these merits save money, have healthier occupants, and have a more positive impact on their communities.

While the initial investment cost of green buildings may be higher than a traditional building, many of these costs are recouped over time. For instance, the Federal government spends about $170 million per year on the lighting of federal buildings; using new lighting technology can reduce energy use by 50 to 75 percent. Some estimates show that the payback time for energy efficient lighting is as little as four months.

The High Performance Green Buildings Act focuses the Federal Government's efforts on promoting sustainable design in federal buildings, and realizing the economic benefits associated with reduced energy use and increased occupant health. It creates an Office of High Performance Green Buildings within the General Services Administration (GSA), which manages buildings owned or leased by the Federal Government. GSA is the largest ''landlord'' in the country the government owns or leases nearly 500,000 buildings in the United States, covering 3.1 billion square feet. The new Office will promote public outreach, focus ongoing research and development, and create an Advisory Committee consisting of Agency representatives and experts from various sectors, to improve coordination across Federal Government agencies and bring best practices to the Federal government.

Additionally, the High Performance Green Buildings Act provides grants to schools, in consultation with the Environmental Protection Agency and the Department of Education, to provide technical assistance to address environmental and health concerns. The health of our children is our primary concern and this legislation takes important steps to ensure their well-being.

It is clear that having sustainable design in our buildings is smart public policy and a wise financial investment, and this bill will allow the Federal Government to increase its leadership role on the promotion of green buildings. I urge my colleagues to support this bill.

I ask unanimous consent that the full 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. 506

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 ''High-Performance Green Buildings 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. Definitions.

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

Sec. 101. Oversight.
Sec. 102. Office of High-Performance Green Buildings.
Sec. 103. Green Building Advisory Committee.
Sec. 104. Public outreach.
Sec. 105. Research and development.
Sec. 106. Budget and life-cycle costing and contracting.
Sec. 107. Authorization of appropriations.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

Sec. 201. Definition of high-performance school.
Sec. 202. Grants for healthy school environments.
Sec. 203. Model guidelines for siting of school facilities.
Sec. 204. Public outreach.
Sec. 205. Environmental health program.
Sec. 206. Authorization of appropriations.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP

Sec. 301. Incentives.
Sec. 302. Federal procurement.
Sec. 303. Federal green building performance.

TITLE IV—DEMONSTRATION PROJECT

Sec. 401. Coordination of goals.
Sec. 402. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) COMMITTEE.—The term ''Committee'' means the Green Building Advisory Committee established under section 103(a).

(3) DIRECTOR.—The term ''Director'' means the individual appointed to the position established under section 101(a).

(4) FEDERAL FACILITY.—

(A) IN GENERAL.—The term ''Federal facility'' means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term ''Federal facility'' does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building—

(A) that, during its life-cycle—

(i) reduces energy, water, and material resource use and the generation of waste;

(ii) improves indoor environmental quality, including protecting indoor air quality during construction, using low-emitting materials, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(iii) improves indoor and outdoor impacts of the building on human health and the environment;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) increases reuse and recycling opportunities; and

(vi) integrates systems in the building; and

(B) for which, during its planning, design, and construction, the environmental and energy impacts of building location and site design are considered.

(6) LIFE CYCLE.—The term ''life cycle'', with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(7) LIFE-CYCLE ASSESSMENT.—The term ''life-cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(8) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(9) OFFICE.—The term ''Office'' means the Office of High-Performance Green Buildings established under section 102(a).

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 101. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 102; and

(2) carry out other duties as required under this Act.

(b) COMPENSATION.—The compensation of the Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 102. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant Federal agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level green building advisory committee, which shall provide advice and recommendations in accordance with section 103;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 104, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 105;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 105;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 106; and

(9) complete and submit the report described in subsection (c).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this Act and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings as measured by—

(A) a silver rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or an equivalent rating obtained through a comparable system); or

(B) an improved or higher rating standard, as identified by the Committee;

(3) identifies inconsistencies, as reported to the Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life cycle costing; and

(D) identifying short- and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of green building initiatives, including Executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (6).

(d) IMPLEMENTATION.—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

SEC. 103. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director shall establish an advisory committee, to be known as the ''Green Building Advisory Committee''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 102(b)(1); and

(B) other relevant agencies and entities, as determined by the Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations; and

(v) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this Act, including such recommendations relating to Federal activities carried out under sections 104 through 106 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 104. PUBLIC OUTREACH.

The Director, in coordination with the Committee, shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe related activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including non-governmental and nonprofit entities and organizations); and

(iv) other relevant organizations, including those from other countries;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, including tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings; and

(6) using such other methods as are determined by the Director to be appropriate.

SEC. 105. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 106;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) INDOOR AIR QUALITY.—The Director, in consultation with the Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 106. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 201. DEFINITION OF HIGH-PERFORMANCE SCHOOL.

In this title, the term ''high-performance school'' has the meaning given the term ''healthy, high-performance school building'' in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

SEC. 202. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, may provide grants to qualified State agencies for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development of State school environmental quality plans that include—

(A) standards for school building design, construction, and renovation; and

(B) identification of ongoing school building environmental problems in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

SEC. 203. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop school site selection guidelines that account for—

(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

(2) modes of transportation available to students and staff; and

(3) the potential use of a school at the site as an emergency shelter.

SEC. 204. PUBLIC OUTREACH.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide to the Director information relating to all activities carried out under this title, which the Director shall include in the report described in section 102(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 104 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 205. ENVIRONMENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue guidelines for use by the State in developing and implementing an environmental health program for schools that—

(1) takes into account the status and findings of Federal research initiatives established under this Act and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

(A) health, safety, and productivity; and

(B) disabilities or special needs;

(2) provides research using relevant tools identified or developed in accordance with section 105(a) to quantify the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(5) assists States and the public in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this title, which the Director shall include in the report described in section 102(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 104 receives and makes available—

(1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and

(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 301. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies.

SEC. 302. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Director and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility, to the maximum extent practicable—

(A) to employ integrated design principles;

(B) to optimize building and systems energy performance;

(C) to protect and conserve water;

(D) to enhance indoor environmental quality; and

(E) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that, to the maximum extent practicable—

(A) are energy-efficient; and

(B) have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director shall issue guidance to all Federal procurement executives providing direction and the option to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 303. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this Act; and

(2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 106;

(2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;

(3) the performance of the Office in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Director shall consult with the Committee to enhance, and assist in the implementation of, the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

TITLE IV—DEMONSTRATION PROJECT

SEC. 401. COORDINATION OF GOALS.

(a) IN GENERAL.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

(b) PROJECTS.—

(1) IN GENERAL.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in title I, the Director shall carry out 3 demonstration projects.

(2) LOCATION OF PROJECTS.—Each project carried out under paragraph (1) shall be located in a Federal building in a State recommended by the Director in accordance with subsection (c).

(3) REQUIREMENTS.—Each project carried out under paragraph (1) shall—

(A) provide for the evaluation of the information obtained through the conduct of projects and activities under this Act; and

(B) achieve a platinum rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or an equivalent rating obtained through a comparable system).

(c) CRITERIA.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(1) be an appropriate model for a project relating to—

(A) the effectiveness of high-performance technologies;

(B) analysis of materials, components, and systems, including the impact on the health of building occupants;

(C) life-cycle costing and life-cycle assessment of building materials and systems; and

(D) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(2) possess sufficient technological and organizational adaptability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013, the Director shall submit to the Administrator a report that describes the status of and findings regarding the demonstration project.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the Federal demonstration project described in section 401(b) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

By Mr. CONRAD (for himself, Ms. COLLINS, Ms. CANTWELL, and Mr. DURBIN):

S. 507. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Midwifery Care Access and Reimbursement Equity (M–CARE) Act of 2007. For too many years, certified nurse midwives (CNMs) have not received adequate reimbursement under the Medicare program. My legislation takes steps to improve reimbursement for these important healthcare providers.

Since 1988, CNMs have been authorized to provide maternity-related services to Medicare-eligible women of child-bearing age. There are approximately three million disabled women of child-bearing age on Medicare; however, if they choose to utilize a CNM for ''well women'' services, the CNM is only reimbursed at 65 percent of the physician fee schedule. This is not right and does not come close to offsetting the costs incurred by these professionals.

At this incredibly low rate of reimbursement, the Medicare Payment Advisory Committee (MedPAC) agrees that a CNM simply cannot afford to provide services to Medicare patients and has supported increasing reimbursement for CNMs. In fact, the Commission recommended in 2002 that CNMs' reimbursement be increased and acknowledged that the care provided by these individuals is at least comparable to similar providers.

My legislation would make several changes to improve the ability of CNMs and certified midwives (CMs) to effectively serve the Medicare-eligible population. First, and most importantly, my bill recognizes the need to increase Medicare reimbursement for CNMs by raising the reimbursement level from 65 percent to 100 percent of the physician fee schedule. CNMs provide the same care as physicians; therefore, it is only fair to reimburse CNMs at the same level. Several states have recognized this in their Medicaid programs—approximately 29 States reimburse at 100 percent of the physician fee schedule for out-of-hospital services.

In addition, the M–CARE Act would establish recognition for a certified midwife (CM) to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CMs as eligible providers. My bill would change this.

This bill will enhance access to ''well woman'' care for thousands of women in underserved communities and make several needed changes to improve access to midwives. I urge my colleagues to support this legislation.

By Mr. GRASSLEY:

S. 508. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I rise to reintroduce the Congressional Whistleblower Protection Act of 2007, which will extend whistleblower protections currently available to certain executive branch employees to legislative branch employees.

Presently, executive branch employees are shielded from retaliation for exposing waste, fraud, or abuse by the Whistleblower Protection Act. The bill I'm introducing today simply extends those same protections to legislative branch employees.

A theme that has dominated this new Congress, as well as the elections this past November, is accountability and responsibility in Washington. I have fought hard for whistleblowers over the years because they are key in our efforts to ensure government accountability to the people we are sent here to serve. In most instances, the only reason we discover waste or fraud is because employees are brave enough to stand up to the wrongdoers and expose their offenses. Without these whistleblowers, the American taxpayer would continue to foot the bill.

The Office of Compliance has called for these changes on numerous occasions in recent years, and they are very supportive of this bill. We have already taken the steps to protect whistleblowers in the executive branch. It doesn't make sense not to extend these same protections to whistleblowers in our own backyard. My bill will, very simply, give congressional employees the same protections that workers in the other branches of government already possess.

I hope my colleagues will join me in supporting this bill to ensure that those who help us in the fight to hold government accountable are not punished for their efforts.

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. 508

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

SECTION 1. APPLICATION OF WHISTLEBLOWER PROTECTION RULES TO LEGISLATIVE BRANCH EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Congressional Whistleblower Protection Act of 2007''.

(b) IN GENERAL.—Part A of title II of the Congressional Accountability Act of 1995 (2 U.S.C. 1311 et seq.) is amended—

(1) in the heading, by striking ''fair labor standards,'' and all that follows and inserting ''and other protections and benefits'';

(2) by redesignating section 207 as section 208; and

(3) by inserting after section 206 the following:

''SEC. 207. RIGHTS AND PROTECTIONS UNDER WHISTLEBLOWER PROTECTION RULES.

''(a) RIGHTS AND PROTECTIONS DESCRIBED.—

''(1) IN GENERAL.—No employing office may take or fail to take, or threaten to take or fail to take, a personnel action (within the meaning of chapter 23 of title 5, United States Code) with respect to any covered employee or applicant for employment because of—

''(A) any disclosure of information by a covered employee or applicant which the employee or applicant reasonably believes evidences—

''(i) a violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order or the rules of the Senate or the House of Representatives to be kept secret in the interest of national defense or the conduct of foreign affairs; or

''(B) any disclosure to the General Counsel, or to the Inspector General of a legislative or executive agency or another employee designated by the head of the legislative or executive agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences—

''(i) a violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(2) DEFINITIONS.—For purposes of this section and for purposes of applying the procedures established under title IV for the consideration of alleged violations of this section—

''(A) the term 'covered employee' includes an employee of the Government Accountability Office or Library of Congress; and

''(B) the term 'employing office' includes the Government Accountability Office and the Library of Congress.

''(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under chapter 12 of title 5, United States Code, with respect to a prohibited personnel practice described in section 2302(b)(8) of such title.

''(c) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

''(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as the substantive regulations promulgated by the Merit Systems Protection Board to implement chapters 12 and 23 of title 5, United States Code, except to the extent that the Board of Directors of the Office of Compliance may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for part A of title II of the Congressional Accountability Act of 1995 is amended—

(A) in the item relating to part A, by striking ''**FAIR LABOR STANDARDS,**'' and all that follows and inserting ''**AND OTHER PROTECTIONS AND BENEFITS**'';

(B) by redesignating the item relating to section 207 as relating to section 208; and

(C) by inserting after the item relating to section 206 the following:

''Sec. 207. Rights and protections under whistleblower protection rules.''.

(2) APPLICATION OF LAWS.—Section 102(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1302(a)) is amended by adding at the end the following:

''(12) Section 2302(b)(8) of title 5, United States Code.''.

Mr. INOUYE (for himself, Mr. STEVENS, Mr. ROCKEFELLER, Mr. LOTT, and Mr. LAUTENBERG):

S. 509. A bill to provide improved aviation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Aviation Security Improvement Act with Senators STEVENS, ROCKEFELLER, LOTT, and LAUTENBERG, who are all original cosponsors of this legislation.

When the 9/11 Commission released its report in 2004, the Commission expressed continuing concern over the state of air cargo security, the screening of passengers and baggage, access controls at airports, and the security of general aviation. Congress responded then and enacted measures to address inefficiencies highlighted by the Commission. However, implementation through the rulemaking process was slow, and as a result, significant shortfalls in our security regime remain.

In fact, a little more than year ago, the 9/11 Public Discourse project issued a scorecard that gave inadequate grades in those key areas where the Commission had advocated for improvements in aviation security. Checked Baggage and Cargo Screening received a ''D,'' Airline Passenger Explosive Screening received a ''C,'' and Airline Passenger Prescreenig received an ''F.''

Over the past year, the Transportation Security Administration, TSA, has continued working to significantly bolster air cargo security in the United States. While that is a good step in response to the report card, more must be done. The government must remain vigilant in its effort to provide security for our Nation, and the steps proposed in this bill will both improve our existing security system and give TSA the flexibility to combat new and emerging threats.

The bill we are introducing today would require the screening of all cargo going on passenger aircraft within 3 years. We expect TSA to develop a robust screening program that improves upon current measures and ensures the security of all cargo transported in commercial passenger air carriers.

To improve our ability to detect explosives in checked baggage and at passenger screening checkpoints, the bill extends the Aviation Security Capital Fund and promotes the purchase and installation of advanced baggage screening systems that can be integrated into the daily workings of our Nation's air transportation system. This capital investment will improve security screening by permitting TSA employees to better focus on potential threats while reducing the high workplace injury rates.

The bill addresses airline passenger explosive screening in several ways:

1. By promoting advanced research and development for checkpoint technology;

2. By enhancing screener training to more clearly identify and address potential threats; and

3. By requiring the Administration to complete and implement a plan over the next year that thoroughly addresses the threat of and response to carry-on explosives.

Airline passenger prescreening also remains a primary concern of the Congress. Not enough progress has been made by the TSA to develop an advanced passenger prescreening system since it took on this task nearly 4 years ago. Too many passengers are inconvenienced each year by false positives when matched against passenger watchlists.

Our bill would ensure a system is in place to coordinate passenger redress matters, and that the TSA moves rapidly to develop a strategic plan to test and implement an advanced passenger prescreening system.

Our bill also takes steps to improve general aviation security, airport access issues for airline employees, screener staffing issues, and other issues where there have been consistent shortcomings over the past several years.

The 9/11 Commission's report and subsequent Public Discourse project helped keep Congress and the Administration focused on the need for aviation security. While they did not have all the answers for quick fixes, they did offer a vital blueprint, particularly in the areas of infrastructure and transportation system security.

My colleagues and I used that guideline in drafting the legislation we are introducing today. We believe that once this bill is enacted, it will significantly improve aviation security in the specific areas I have highlighted, and the aviation system as a whole. I look forward to working with my colleagues to move this bill quickly. We have had 5 years to consider what does and does not work. Now it is time to implement what we have learned.

I ask unanimous consent that 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. 509

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Security Improvement Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE —AVIATION SECURITY

Sec. 1. Short title; table of contents.
Sec. 2. Extension of authorization for aviation security funding.
Sec. 3. Passenger aircraft cargo screening.
Sec. 4. Blast-resistant cargo containers.
Sec. 5. Protection of air cargo on passenger planes from explosives.
Sec. 6. In-line baggage screening.
Sec. 7. Enhancement of in-line baggage system deployment.
Sec. 8. Research and development of aviation transportation security technology.
Sec. 9. Certain TSA personnel limitations not to apply.
Sec. 10. Specialized training.
Sec. 11. Explosive detection at passenger screening checkpoints.
Sec. 12. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 13. Repair station security.
Sec. 14. Strategic plan to test and implement advanced passenger prescreening system.
Sec. 15. General aviation security.
Sec. 16. Security credentials for airline crews.

SEC. 2. EXTENSION OF AUTHORIZATION FOR AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking ''and 2006'' and inserting ''2006, 2007, 2008, and 2009''.

SEC. 3. PASSENGER AIRCRAFT CARGO SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g) AIR CARGO ON PASSENGER AIRCRAFT.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Aviation Security Improvement Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a system to screen all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

''(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that the equipment, technology, procedures, personnel, or other methods determined by the Administrator of the Transportation Security Administration, provide a level of security comparable to the level of security in effect for passenger checked baggage.

''(3) REGULATIONS.—

''(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

''(B) FINAL RULE.—

''(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than 1 year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

''(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the Secretary shall submit a report to the Congress explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Congress containing updated information every 60 days thereafter until the final rule is issued.

''(iii) SUPERSEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

''(4) REPORT.—Not later than 1 year after the date on which the system required by paragraph (1) is established, the Secretary shall transmit a report to Congress that details and explains the system.''.

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, through the Administrator of the Transportation Security Administration, shall submit a report to Congress and to the Comptroller General containing an assessment of each exemption granted under section 44901(i) of title 49, United States Code, for the screening required by section 44901(g)(1) of that title for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(B) CONTENTS.—The report shall include—

(i) the rationale for each exemption;

(ii) a statement of the percentage of cargo that is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating such exemption;

(v) a statement of any plans, and the rationale, for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report required under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology used for determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 4. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, is amended by adding at the end thereof the following:

''(i) BLAST-RESISTANT CARGO CONTAINERS.—

''(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

''(A) evaluate the results of the blast-resistant cargo container pilot program instituted before the date of enactment of the Aviation Security Improvement Act;

''(B) based on that evaluation, begin the acquisition of a sufficient number of blast-resistant cargo containers to meet the requirements of the Transportation Security Administration's cargo security program under paragraph (2); and

''(C) develop a system under which the Administrator—

''(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation on a random or risk-assessment basis as determined by the Administrator, in sufficient number to enable the carriers to meet the requirements of the Administration's cargo security system; and

''(ii) provide for the storage, maintenance, and distribution of such containers.

''(2) DISTRIBUTION TO AIR CARRIERS.—Within 90 days after the date on which the Administrator completes development of the system required by paragraph (1)(C), the Administrator of the Transportation Security Administration shall implement that system and begin making blast-resistant cargo containers available to such carriers as necessary.''.

SEC. 5. PROTECTION OF AIR CARGO ON PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security shall expedite research and development for technology that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall include blast resistant cargo containers and other promising technology and will be used in concert with implementation of section 4 of this Act.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technology to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section, such funds to remain available until expended.

SEC. 6. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking ''2007.'' and inserting ''2007, and $450,000,000 for each of fiscal years 2008 and 2009.''.

(b) REPORT.—Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit the report the Secretary was required by section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note) to have submitted in conjunction with the submission of the budget for fiscal year 2006.

SEC. 7. ENHANCEMENT OF IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) by striking ''may'' in subsection (a) and inserting ''shall'';

(2) by striking ''may'' in subsection (d)(1) and inserting ''shall'';

(3) by striking ''2007'' in subsection (h)(1) and inserting ''2028'';

(4) by striking paragraphs (2) and (3) of subsection (h) and inserting the following:

''(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

''(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, with priority given to small hub airports and nonhub airports.''; and

(5) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

''(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.''.

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator shall create a prioritization schedule for airport security improvement projects described in section 44923(b) of title 49, United States Code, based on risk and other relevant factors, to be funded under the grant program provided by that section. The schedule shall include both hub airports (as defined in section 41731(a)(3) of title 49, United States Code) and nonhub airports (as defined in section 41731(a)4) of title 49, United States Code).

(2) AIRPORTS THAT HAVE COMMENCED PROJECTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

SEC. 8. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note) is amended—

(1) by striking ''2002 through 2006,'' and inserting ''2006 through 2009,'';

(2) by striking ''aviation'' and inserting ''transportation''; and

(3) by striking ''2002 and 2003'' and inserting ''2006 through 2009''.

SEC. 9. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 10. SPECIALIZED TRAINING.

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

SEC. 11. EXPLOSIVE DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue the strategic plan the Secretary was required by section 44925(a) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end thereof the following:

''(3) FULL DEPLOYMENT.—The Secretary shall fully implement the strategic plan within 1 year after the date of enactment of the Aviation Security Improvement Act.''.

SEC. 12. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 431. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

''(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

''(b) OFFICE OF APPEALS AND REDRESS.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

''(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

''(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other individual, the Office of Appeals and Redress shall—

''(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

''(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 430 the following:

''431. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.''.

SEC. 13. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Congress a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator of the Transportation Security Administration, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

SEC. 14. REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such 90th day unless the station was previously certified by the Administration under that part.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, are each amended by striking ''18 months'' and inserting ''6 months''.

SEC. 15. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, is amended by adding at the end thereof the following:

''(i) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

''(1) IN GENERAL.—Within 1 year after the date of enactment of the Aviation Security Improvement Act the Administrator of the Transportation Security Administration shall—

''(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47135(m)); and

''(B) implement a program to perform such assessments on a risk-assessment basis at general aviation airports.

''(2) GRANT PROGRAM.—Within 6 months after date of enactment of the Aviation Security Improvement Act the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to general aviation airport operators for projects to upgrade security at general aviation airports (as defined in section 47135(m)). If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

''(3) APPLICATION TO FOREIGN-REGISTERED GENERAL AVIATION AIRCRAFT.—Within 180 days after the date of enactment of the Aviation Security Improvement Act, the Administrator shall develop a risk-based system under which—

''(A) foreign-registered general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information to the Transportation Security Administration before entering United States airspace; and

''(B) such information is checked against appropriate databases maintained by the Transportation Security Administration.''.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out any program established under paragraph (2).''.

SEC. 16. SECURITY CREDENTIALS FOR AIRLINE CREWS.

Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall, after consultation with airline, airport, and flight crew representatives, transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of its efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted. The Administrator shall begin full implementation of the system or method not later than 1 year after the date on which the Administrator transmits the report.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 72—ACKNOWLEDGING THE SEVERITY OF THE WETLAND LOSS OCCURRING IN LOUISIANA AND SUPPORTING THE OBSERVANCE OF WORLD WETLANDS DAY IN THE UNITED STATES

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 72

Whereas Louisiana's coastal wetlands are among the Nation's most diverse and productive ecosystems, home to ospreys, egrets, alligators, shellfish, turtles, sea grasses, and bald cypress trees;

Whereas Louisiana's wetlands are eroding at a rate of 25 square miles per year and, as a result of Hurricane Katrina on August 29, 2005, and Hurricane Rita on September 24, 2005, 217 square miles of wetlands were turned into open water, significantly advancing Louisiana's wetlands loss;

Whereas the State has lost 2,100 square miles of coastal wetlands since the 1930s and is expected to lose another 500 square miles over the next 50 years if nothing is done to mitigate wetland loss;

Whereas 2,000,000 residents, more than 50 percent of the State's population, live within Louisiana's coastal zone;

Whereas Louisiana's working wetlands provide protection for coastal communities and for oil and gas pipelines that serve as the major energy artery in the United States, delivering more than 25 percent of the Nation's energy;

Whereas wetland ecosystems throughout the United States are threatened by erosion, invasive species, runoff, and habitat loss; and

Whereas World Wetlands Day is celebrated around the world on February 2 of each year by government agencies, nongovernmental organizations, and groups of citizens in the global community: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the severity of the wetland loss occurring in Louisiana;

(2) recognizes and supports the observance of World Wetlands Day in the United States; and

(3) supports efforts to raise awareness about the critical need to sustain and preserve wetlands in Louisiana, the United States, and throughout the world.

Ms. LANDRIEU. Mr. President, I come to the floor today in honor of World Wetlands Day proclaiming February 2 America's Wetlands Day.

February 2, 1971 was the date of the adoption of the Convention on Wetlands in the Iranian city of Ramsar on the shores of the Caspian Sea.

Each year since 1971, leaders from all parts of the world have used this day to raise public awareness of the value and benefits of wetlands—not only as ecological gems, but as economic boons, incubators of biodiversity, and a sportsman's paradise.

The signing in 1971 of the Convention on Wetlands provided a framework for national action and international cooperation toward the conservation and wise use of wetlands and their resources. Wetlands can be found in every country and are among the most productive ecosystems in the world.

Those of us from Louisiana have a rather unique perspective on the subject of wetlands. You see, Louisiana's coast is really America's Wetland. It is not a beach, but a vast landscape of estuaries, rivers, freshwater marsh, forested floodplains, and vernal pools.

The landscape that extends along Louisiana's coast is one of the largest and most productive expanses of coastal wetlands in North America. It is the seventh largest delta on earth, where the Mississippi River drains two-thirds of the United States. It is also one of the most productive environments in America—''working wetlands'' as they are known to Louisianians—producing more seafood than any other State in the lower 48. It's the nursery ground for the Gulf of Mexico and habitat for one of the greatest flyways in the world for millions of waterfowl and migratory songbirds.

Even more importantly, Louisiana's coastal wetlands provide storm protection for ports that carry nearly 500 million tons of waterborne commerce annually—the largest port system in the world by tonnage. That accounts for 21 percent of all waterborne commerce in the United States each year. In fact, four of the top ten largest ports in the United States are located in Louisiana.

These wetlands also offer protection from storm surge for two million people and a unique culture. Louisiana's low-lying coastal communities are home to more than 2 million people—nearly half the State's population. Even as those communities recover from the back-to-back 2005 hurricanes, they remain threatened and compromised as the land they occupy erodes from beneath their feet.

Tragically, Louisiana's wetlands are eroding at a devastating rate: approximately 24 square miles per year disappear—that is the equivalent of approximately one football field lost every 38 minutes. Within the next 50 years—even with current restoration efforts taken into account—those wetlands are expected to recede an additional 500 square miles.

The U.S. Geological Survey recently found that Hurricanes Katrina and Rita alone transformed 217 square miles of marsh to open water. Tragically, these eroding wetlands are Nature's levee system—they diminish a hurricane's destructive power by reducing storm surge and absorbing wave energy.

Scientists have estimated for every 2.4 square miles of wetlands, storm surges are lowered by about one foot. Some studies suggest that only one square mile of wetlands may achieve this. Because these wetlands are nurseries for many species of fish and shellfish, their loss has a profound impact on the $1 billion dollar per year fishing industry supported by Louisiana's fragile coastal environment.

The costs associated with Louisiana's coastal wetland loss are not only Louisiana's to bear—they are the entire Nation's. For instance: Hurricanes Katrina and Rita impacted more than 26,000 businesses, destroyed 275,000 homes, and caused more than $44.7 billion in insured losses.

Today, more than 40 percent of the Nation's oil and nearly a quarter of the Nation's natural gas is produced in or transported through Louisiana.

More than 20 percent of the nation's imported oil is delivered to and processed in Louisiana.

Louisiana is second only to Texas in the number of oil refineries on its soil—with 17 refineries, most of which are located in the coastal zone.

The erosion of Louisiana's coastal wetlands—America's Wetlands—endangers the U.S. energy supply and it endangers the Nation's critical infrastructure in the Gulf Coast: Refineries and petrochemical facilities that drive U.S. economic growth are at risk of being flooded, damaged and shut down, as we saw during the 2005 hurricanes.

That is why I am submitting a Sense of the Senate resolution that will acknowledge February 2, as World Wetlands Day and express that it is the sense of the Senate that we must raise awareness of the Nation's imperiled wetlands—in Louisiana and throughout the country. We need to raise awareness of these critical issues and we need to work locally, regionally, nationally, and internationally to confront this problem head on.

The good news is that scientists know how to restore the wetlands and they have been very successful in reinforcing barrier islands that protect these ecological gems. What has heretofore been lacking is not the will, but the resources with which to undertake this critical challenge. The passage of the Gulf of Mexico Energy Security Act changed that and certified America's commitment to providing long-term, sustainable funding to address this problem. Today, we have the will; we have the way; let's get to work and preserve America's wetlands.

SENATE RESOLUTION 73—DESIGNATING FEBRUARY 6, 2007, AS ''RONALD REAGAN DAY''

Mr. ALLARD (for himself, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. STEVENS, Mrs. DOLE, Mrs. HUTCHISON, Mr. VITTER, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 73

Whereas President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving as an entertainer, a corporate spokesman, Governor of California, and President of the United States;

Whereas Ronald Reagan served for 2 terms as the 40th President of the United States;

Whereas Ronald Reagan was elected to his second term by almost three-fifths of the electorate, a percentage surpassed only by the election of President Lyndon Baines Johnson in 1964, and was victorious in 49 of the 50 States in the general election, an electoral college record unsurpassed in the history of Presidential elections in the United States; and

Whereas February 6, 2007, will be the 96th anniversary of Ronald Reagan's birth, and June 5, 2007, will be the third anniversary of his passing: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 6, 2007, as ''Ronald Reagan Day''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 9—CELEBRATING THE CONTRIBUTIONS OF THE ARCHITECTURAL PROFESSION DURING ''NATIONAL ARCHITECTURE WEEK''

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 9

Whereas the architectural profession has made unique contributions to the history, texture, and quality of life in the United States;

Whereas the beginning of an organized architectural profession in the United States was signified by the founding of the American Institute of Architects 150 years ago;

Whereas today there are approximately 281,000 individuals in the United States who work in the profession of architecture;

Whereas architects express the richness of the Nation's heritage and the vitality of its spirit through the vigilant stewardship of great architectural and historic treasures;

Whereas architects improve the quality of life for all individuals in the United States by combining advances in building technology with design innovation to build healthy, safe, livable, and sustainable buildings and communities; and

Whereas the week beginning April 8, 2007, has been designated by the American Institute of Architects as ''National Architecture Week'' to bring attention to the importance of the architectural profession to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of the Congress that the contributions of the architectural profession should be recognized and celebrated during ''National Architecture Week''; and

(2) the Congress encourages the people of the United States and interested organizations to observe ''National Architecture Week'' with appropriate ceremonies and activities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 6, 2007, at 9:30 a.m., in open session to receive testimony on the fiscal year 2008 budget request 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.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, February 6, 2007.

The agenda to be considered: Oversight of Recent EPA Decisions.

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

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, February 6, 2007, at 2:45 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The President's Fiscal Year 2008 Budget Proposal.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 6, 2007, at 10 a.m. to hold a hearing on Somalia.

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

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?'' for Tuesday, February 6, 2007 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List: The Honorable Mark Pryor, United States Senator [D, AR]; The Honorable Paul J. McNulty, Deputy Attorney General, U.S. Department of Justice, Washington, DC; Mary Jo White, Partner, Debevoise & Plimpton, LLP, New York, NY; Laurie L. Levenson, Professor of Law, Loyola Law School, Los Angeles, CA; Stuart M. Gerson, Partner, Epstein Becker & Green, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' for Tuesday, February 6, 2007 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

Witness List: John Preston Bailey to be U.S. District Judge for the Northern District of West Virginia; Otis D. Wright II to be U.S. District Judge for the Central District of California; George H. Wu to be U.S. District Judge for the Central District of California.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 6, 2007 at 2:30 p.m. to hold a closed hearing.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Mitchell Lincoln and Shakti Shakti of my staff be granted floor privileges for the duration of today's session.

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

DESIGNATING FEBRUARY 6, 2007, AS ''RONALD REAGAN DAY''

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 73.

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

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 73) designating February 6, 2007, as ''Ronald Reagan Day.''

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

Mr. ALLARD. Mr. President, the resolution I am honored to submit today with my colleague, Senator FEINSTEIN, is to commemorate today, February 6, 2007—what would be Ronald Reagan's 96th birthday—as Ronald Reagan Day.

President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States. In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned Nation shackled by rampant inflation and high unemployment. During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans.

Mr. Reagan's commitment to an active social policy agenda for the Nation's children helped lower crime and drug use in our neighborhoods. President Reagan's commitment to our armed forces contributed to the restoration of pride in America, in her values and in those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges. President Reagan's vision of ''peace through strength'' led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people. It is entirely appropriate that on February 6, 2007, which will be the 96th anniversary of Ronald Reagan's birth, and the third since his passing, we declare February 6th, 2007, to be Ronald Reagan Day and urge all citizens to take cognizance of this event and participate fittingly in its observance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be added as a cosponsor to this resolution.

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

Mr. REID. Mr. President, I ask unanimous consent that I also be added as a cosponsor to this resolution.

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

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

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

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 73

Whereas President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving as an entertainer, a corporate spokesman, Governor of California, and President of the United States;

Whereas Ronald Reagan served for 2 terms as the 40th President of the United States;

Whereas Ronald Reagan was elected to his second term by almost three-fifths of the electorate, a percentage surpassed only by the election of President Lyndon Baines Johnson in 1964, and was victorious in 49 of the 50 States in the general election, an electoral college record unsurpassed in the history of Presidential elections in the United States; and

Whereas February 6, 2007, will be the 96th anniversary of Ronald Reagan's birth, and June 5, 2007, will be the third anniversary of his passing: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 6, 2007, as ''Ronald Reagan Day''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

ORDER OF PROCEDURE

Mr. REID. Mr. President, very quickly—I know the hour is late—I spoke to Speaker PELOSI a couple of hours ago. Next week, the House is going to take up the Iraq situation. The legislation they will deal with, I have been told by the Speaker, is whether the House of Representatives will support the surge, the escalation in Iraq. They will finish that next week, and we will get it then, and it will be very direct and to the point.

ORDERS FOR WEDNESDAY, FEBRUARY 7, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, February 7; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business, with Senators permitted to speak therein, with the time until 2 p.m. equally divided and controlled between the two leaders or their designees, alternating sides when appropriate, with the first 30 minutes of debate under the control of the Republicans and the next 30 minutes under the control of the majority; that during the majority time, Senators SCHUMER and KENNEDY be recognized for 15 minutes each. If at all possible, I ask that Senator SCHUMER be recognized as close to 10:30 as possible.

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

PROGRAM

Mr. REID. For the information of the Senate, I anticipate that at 2 p.m. tomorrow, the Senate will debate several nominations on the Executive Calendar, General Casey and Admiral Fallon. I will meet with the Republican leader and find out how much time will be required on that side by 2 p.m. tomorrow afternoon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, February 7, at 10 a.m.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO DR. EMIL FREI III

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Dr. Emil Frei III, one of the world's leading oncologists, a pioneer in cancer treatment and chemotherapy, and a leader in clinical research.

Dr. Frei's medical career began over 50 years ago in 1948 while serving in our country's V–12 program for the United States Navy. Since that time he has served as the chief of medicine at the National Cancer Institute, associate scientific director head at M.D. Anderson, and director and physician-in-chief at the Dana-Farber Cancer Institute. Currently, he serves as the physician-in-chief, emeritus at Dana-Farber. Dr. Frei has the proud honor of being the first Richard and Susan Smith Distinguished Professor of Medicine at Harvard Medical School

Since the beginning of his career, Dr. Frei has made many contributions to the medical field while serving on the advisory or board of directors for non-profit organizations such as Adherex Technologies, Angstrom, CaP Cure, Celator Pharmaceuticals, DIAD Research, Immunogen, Infinity Pharmaceuticals, Vion Pharmaceuticals, Aid for Cancer Research, Cancer Research Institute, Journal of Clinical Oncology and the New England Journal of Medicine. In addition to these wonderful achievements, he was awarded the Lasker Award, the Kettering Prize and the Inaugural Lifetime Achievement Award for his clinical research for cancer treatment.

Dr. Frei not only practiced medicine, but also served as a professor of medicine at the University of Texas and Harvard Medical School for over 30 years. Dr. Frei also coauthored the first text in medical oncology, which is now in its seventh edition.

Dr. Frei is continuing his research in the Las Vegas area where he serves on the chapter board of Southern Nevada Leukemia & Lymphoma Society. He has previously served as the chairman of the Cancer and Leukemia Group B clinical research group.

Madam Speaker, I am proud to honor Dr. Frei for his dedication to improving the life of others through his service in the medical community and advances in the chemotherapy and cancer research. I applaud his efforts and wish him the best with his future endeavors.

IN RECOGNITION OF THE PASSING OF M.J. MENGE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. MILLER of Florida. Madam Speaker, it is with sadness that I rise today to note the passing of a man whose legacy will forever be remembered. For over 40 years, M.J. Menge has served his community as an attorney and dedicated leader in Pensacola, a city in my district in Northwest Florida.

A native Floridian born in 1936, Mr. Menge devoted his life's work to bettering our community. At a young age he demonstrated his leadership skills while attending Pensacola Junior College and the University of Florida. After attending Navy Officer Candidate School, he went on to serve as a naval gunner officer on the USS *Sarsfield* until 1962. Mr. Menge then earned a law degree from the University of Florida in 1964 and joined the Pensacola law firm of Shell, Fleming, Davis, and Menge. He was well respected by his colleagues for his integrity and concern for the law. Mr. Menge served as general legal counsel Pensacola Junior College for nearly 30 years, and in 1998 a bell tower was erected in his honor. Through his different leadership roles within the community, he became known as a man with a genuine sense of caring who fostered that sense into those with whom he came into contact.

M.J. Menge's service to Northwest Florida extended far beyond the legal profession. He was also known throughout the community for his leadership roles within the Pensacola Area Chamber of Commerce, Baptist Hospital, and March of Dimes. In 1969, Mr. Menge was named One of Florida's Five Outstanding Young Men by the Florida Jaycees. He was recognized again in 1979, as the Community Leader of the Year by the Pensacola Area Chamber of Commerce, and later honored with the Spirit of Pensacola Award in 1996. He had been an active member in the Trinity Presbyterian Church and served as a devoted member to a number of civic organizations including Rotary International, Navy League, and Fiesta of Five Flags. Though suffering from cancer for the last 7 years, the genuineness and the inspiration he had brought to those around him continued to thrive.

1Madam Speaker, on behalf of the U.S. Congress, I would like to offer my sincere condolences to the family of Mr. Menge. They, along with their community, have suffered a great loss. Mr. Menge served as a model for so many, and I am confident that many will remember him fondly and model their actions in life on what he showed them through his life.

INTRODUCTION OF THE SUSAN B. ANTHONY BIRTHDAY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mrs. MALONEY of New York. Madam Speaker, today—along with Democratic colleagues, Congresswoman LOIS CAPPS, co-chair of the Congressional Caucus on Women's issues and Congresswoman YVETTE CLARKE—I am introducing the Susan B. Anthony Birthday Act, which will designate the third Monday in February as a day to celebrate the legacy of Susan B. Anthony. Susan Brownell Anthony is remembered for creating the first women's movement in the United States and leading that movement for more than 50 years.

Born on February 15, 1820, Susan B. Anthony met Elizabeth Cady Stanton in 1851 and attended her first women's rights convention in Syracuse in 1852, where she joined the fight to get women the right to vote, arguing that, ''the right women needed above every other . . . was the right of suffrage.'' The first proposal for women's suffrage was presented to Congress in 1868 and Susan B. Anthony appeared before every Congress from 1869 to 1906 to ask for passage of a suffrage amendment. She served as the president of the National Woman Suffrage Association from 1892 until 1900.

The first formal women's suffrage amendment to the Constitution of the United States was introduced in January 1878 and was subsequently introduced in every session of Congress for the next 41 years. Before her death on March 13, 1906, Susan B. Anthony's last public words were, ''Failure is impossible.''

Unfortunately, Susan B. Anthony did not live to realize her dream of women's suffrage, but thankfully her legacy survives. On May 21, 1919, the House of Representatives passed the 19th amendment, and two weeks later, the Senate followed. The Secretary of State, Bainbridge Colby, certified the ratification on August 26, 1920. The text of the 19th amendment is: ''The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.''

The United States has previously recognized Susan B. Anthony's tremendous contribution to our Nation. A marble statue of her and her women's rights colleagues, Lucretia Mott and Elizabeth Cady Stanton, was dedicated in the United States Capitol in 1921. Susan B. Anthony's picture appeared on postage stamps in 1936 and 1955. Her home in Rochester, New York, has been a National Historic Landmark since 1966, and in 1979, her image was placed on a dollar coin.

No Federal holiday celebrates the birthday of a woman. As the founder and leader of the women's movement in the United States, Susan B. Anthony deserves a permanent place in our history. The Susan B. Anthony Birthday Act will allow all women and men in the United States to celebrate and honor her legacy.

IN RECOGNITION OF THE 100TH BIRTHDAY OF LUCILLE COCHRAN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. ROGERS of Alabama. Madam Speaker, I would like to pay tribute to a very special occasion today for a constituent of mine—Mrs. Lucille Cochran's 100th birthday. Mrs. Cochran will gather with her friends and family to mark the occasion on February 9, 2007.

Lucille ''Mama Cill'' Cochran was born in Lee County, Alabama, where she resides today with her loving family and church community. ''Mama Cill'' credits long life to her faith and trust in God. This mother of 9, grandmother of 35, and great grandmother of 77, enjoys entertaining her family in her kitchen where she serves her Alabama nugget baked sweet potatoes and coffee.

Mrs. Cochran's vibrant personality and active life make her an important part of her community. In her own special way, she serves as a shining example for us all. On this special occasion, I salute this remarkable woman for her long life, and her dedication to family.

PAYING TRIBUTE TO PHIL MARCUS ESSER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Phil Marcus Esser for work on behalf of the Boulder City Community.

Phil is a very accomplished folk singer and musical producer and has been a resident of Boulder City Nevada for the past six years. Since moving to Boulder City, Phil has immersed himself in charitable and community orientated projects, most notably as the choir director for St. Andrew's Church.

Most recently, Phil performed at the Boulder City American Legion Hall, raising over $4000 for Emergency Aid of Boulder City. This show was the first in a series of four such performances intending to support a local cause.

Madam Speaker, I am proud to honor Phil Marcus Esser. His work on behalf of the local community is admirable and I applaud his efforts.

RECOGNIZING TAVIA MAREZ AS OKALOOSA COUNTY'S TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Tavia Marez as Okaloosa County's Teacher of the Year.

On January 30, 2007, Tavia Marez was announced Teacher of the Year. Mrs. Marez joined the school district administration in 1997 with an educational background in Genetics and Developmental Biology and as a former researcher at Johns Hopkins University. Over the past 10 years, Mrs. Marez has proudly served the school district, and Okaloosa County is honored to have her as one of their own.

Tavia Marez currently teaches Advanced Placement (AP) Chemistry at Fort Walton Beach High School in Fort Walton Beach, FL. Mrs. Marez is aware that if her students are anything like she once was, she must make Chemistry enjoyable. To get her students interested, Tavia Marez incorporates creative techniques, such as: songs, dances, and mnemonic devices.

At the same time, to ensure that she is giving her students the best preparation needed to succeed, Mrs. Marez keeps in constant communication with the AP College Board and college chemistry professors. Ten weeks prior to the AP Chemistry exam, you can find Mrs. Marez on Saturdays offering extra help to her students, who in turn mentor elementary school students from Edwins Elementary School. Since Mrs. Marez began teaching AP Chemistry, the percentage of students who pass the AP exam drastically increased from around 0 percent to 70 and the number of students taking the course from 12 to 75.

To be honored as Teacher of the Year, the proof of greatness lies well beyond the title—it lies in the hearts and minds of the students who have been deeply affected. While Mrs. Marez humbly credits her fellow colleagues with helping her get to where she is today, it is her spirit, dedication and passion for teaching, which she has developed over the past 10 years that has won her the honor of this distinguished award.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Mrs. Marez for her great achievement as Teacher of the Year and her continuing commitment to excellence at Fort Walton Beach High School and in the Okaloosa County School District.

TRIBUTE TO SERGEANT ALEXANDER HENRY FULLER

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the life and service of one of America's fallen heroes, Sergeant Alexander Henry Fuller, who gave his life to his country while serving in Iraq. I rise so that the House of Representatives can join me in conveying our deepest condolences to his wonderful wife Stacey and to his entire family.

Alex died on January 25 at the age of twenty one, while serving in Iraq. He came from New Bedford and was raised on Cape Cod. He soon fell in love with Stacey and together they were married. Today Stacey is expecting their child. Alex had dreams of someday owning a house on Cape Cod, working as a police officer and raising a family.

But he was a young man with a mission. He had another priority in his life, to answer the call of service to his country. He loved his country and he loved serving in the Army, and in the 3rd Squadron, 61st Cavalry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division based in Fort Carson Colorado. Each and every American owes him and his family a great debt of gratitude. The courage he demonstrated through his service will always be remembered.

I wish to join with my colleagues in expressing our condolences to his family and friends. We hope and pray that they find peace and comfort during this most difficult time.

Sean Gonsalves, a reporter from the Cape Cod Times wrote a moving tribute that I wish to share with you.

'WE COULDN'T BE PROUDER'

(By Sean Gonsalves)

One had a Bible in his hand.

The other Army officer carried the news Anastacia ''Stacey'' Fuller and her husband's adopted family had been losing sleep over—wondering if their hero, Army Sgt. Alexander Henry Fuller, was alive.

He was not, they were informed late Thursday night.

Yesterday, Sgt. Fuller's 19-year-old widow still seemed disoriented, as if the repercussions from the improvised explosive device that killed Fuller and another member of his convoy in Baghdad had reverberated across the Atlantic Ocean, all the way to the Centerville home the 21-year-old soldier had shared with his wife and inlaws.

Pfc. Michael C. Balsley, 23, of Hayward, Calif., was also killed in Thursday's explosion, according to the Department of Defense.

Stacey Fuller wasn't sure if her husband's remains were in Maryland or Delaware. She wasn't sure when his casket would be brought home to Cape, or when the funeral and burial would be held.

All she knew was that the father of her yet-unborn daughter was ''fearless'' and had ''a huge heart.''

Sitting in the showroom of her family's used-car dealership on Yarmouth Road in Hyannis, Stacey Fuller rested her hands on her bulging belly as the small flags lining the awning outside flapped in the winter wind.

''He was very determined. He always said, 'I need to help my Joes,''' she recalled, explaining the love he had for the Fort Carson, Colo.-based 3rd Squadron, 61st Cavalry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division.

''We tried to talk him out of going because of how dangerous it is, but we couldn't,'' said Fuller's mother-in-law, Irena Zinov.

Fuller, who was born in New Bedford and raised in Centerville, saw the Army as the best way to prepare for becoming a police officer.

Fuller's legacy was his concern for others, his uncle Robert Mogavero of Millis said in a phone interview yesterday.

''At the same time, he had a great zest for life. Some kids have plans that are a little far-fetched, but his head was screwed on straight. His plans were not beyond his reach,'' he said.

Mogavero described Fuller as a soldier ''dedicated to God and country.'' ''As a soldier he was exemplary, and we couldn't be prouder of him as a family.''

Zach Hallet of Osterville remembered his best friend as the toughest, funniest person he's known.

''And he believed in what he was doing. He was proud of being a sergeant and he was proud of being a leader.''

Hallet also described his fallen friend as ''fearless''—a trait his wife said she'll call on in the months ahead as she prepares to give birth in April.

Besides his wife and unborn daughter, Fuller is survived by his mother, Linda; a sister, Katie, and two brothers, Christopher and Sean.

The family has set up a memorial fund for the benefit of his daughter.

TRIBUTE TO BLACK HISTORY MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. VISCLOSKY. Madam Speaker, it is with a great sense of honor that I rise to celebrate Black History Month and its 2007 theme—From Slavery to Freedom: Africans in the Americas. As we recall the many struggles and reflect on the immense impact African-Americans have had on this country, we are reminded that, though we have made great strides, we must continue the fight for a society that is truly equal.

The theme for this year's Black History Month, From Slavery to Freedom: Africans in the Americas, is a reminder that in striving for equality, we must examine the past. We remember those brought to America against their will, forced into slavery, working under the most inhumane conditions. From this, however, we are reminded of those who recognized this atrocity and made the decision to fight for their freedom. We pay special tribute to those who were persecuted, and in many cases murdered, for their impassioned struggle for what was right. From the earliest men and women forced into slavery to the brave soldiers, both free and enslaved, who joined forces to eventually defeat the Confederacy, thus establishing their own freedom, all are to be commended with the highest admiration and praise. Without these struggles, President Abraham Lincoln's reminder of our founding fathers' goal, the establishment of a new Nation, conceived in liberty, and dedicated to the proposition that all men are created equal, would not be possible.

It is the efforts of these brave individuals that would inspire the great leaders of the civil rights movement, like Dr. Martin Luther King, Jr., and Rosa Parks, to persevere and make great strides toward this goal. Some of these leaders, like many before them, would face similar persecution. Some, like Dr. King, would pay the ultimate price in hopes that one day all Americans would be seen as equals. We are aware, however, that as a united society, we must continue to make strides like those generations who came before us. From the days of slavery to the days of segregation, we must continue to work toward a society that is truly equal, a society with equal rights, equal justice, and equal opportunities.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring the brave men and women who have led us in the ongoing fight for justice and equality. Let us take this opportunity to honor the sacrifices and contributions of all Americans who have fought for their freedom and the freedom of others. This commitment to equality, opportunity, and an end to discrimination is to be admired.

PAYING TRIBUTE TO LANCE CORPORAL BUDD M. COTE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Lance Corporal Budd M. Cote, who died Monday December 11, 2006, of injuries sustained in support of Operation Iraqi Freedom.

Lance Corporal Cote was killed by an explosive device in al-Anbar province during combat operations. He was assigned to the Marine Wing Support Squadron 373 stationed out of the Marine Corps Air Station in Miramar, CA.

Lance Corporal Budd Cote was born in Corona, CA, on June 27, 1985. He spent his childhood in the Las Vegas valley before moving to Tucson, AZ, where he attended high school.

Lance Corporal Cote was a hero whose desire to serve his country will forever make an impact on his family, his community and his country. He joined the U.S. Marine Corps to serve his country in the Global War on Terror. He will not only be remembered for his sacrifice and willing service, but for the extraordinary person that he was. His warmth and optimism brightened the lives of his family and friends. He is survived by his loving wife, Zoraida, his parents, Marcella and Roland Cote and siblings, Alex, Christopher and Tiffany.

Madam Speaker, I am proud to honor the life of Lance Corporal Budd M. Cote. Lance Corporal Budd M. Cote made the ultimate sacrifice for his country while fighting the War on Terror and defending democracy and freedom.

TRIBUTE TO PURPLE HEART RECIPIENT ROGER WILLIAM POWELL OF ZEPHYRHILLS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Ms. BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Roger William Powell, a native of Montrose, MI who volunteered for the U.S. Army on January 22, 1969. Assigned as a mechanic, Mr. Powell was sent to Vietnam on June 22, 1969, with an armor recon specialty where he became a part time scout driver and machine gun operator. Assigned to E Troop, 1st Calvary Regiment, 11th Infantry Brigade, his base camp was Chu Lie.

On August 8, 1969, his troop was in the field in Quang Ngai when they came under hostile fire from Viet Cong forces. Rocket propelled grenades landed amongst the troops, with Mr. Powell sustaining shrapnel wounds in his right eye, both hands and arms and a perforated eardrum. transferred by Medivac helicopter to an evacuation hospital in Japan, he remained under medical care for three months. A purple heart was noted on his record but not awarded, as Mr. Powell was not at that facility a sufficient time for the paperwork to be processed.

Following his recovery from his injuries, he was reassigned stateside to Ft. Knox, KY. Mr. Powell then volunteered for duty in Germany where he remained until his discharge on January 14, 1971.

Currently residing in Zephyrhills, Florida, Mr. Powell and his wife, Tansy, have three grown children; 32-year-old Scott, 30-year-old Shalynee and 26-year-old Shelby, all of whom reside in Michigan.

After almost 38 years, it is my distinct honor and privilege to present Mr. Powell with his long-awaited Purple Heart.

Madam Speaker, soldiers like Roger William Powell should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present Mr. Powell with his long overdue Purple Heart. He should know that we truly consider him one of America's heroes.

HONORING BORDEN BYRD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize Borden Byrd for his heroic effort to save a possible collision between two jets on August 24, 2006.

Mr. Byrd is the air traffic controller at DFW TRACON (DIO), one of the control towers for the Dallas-Fort Worth International airport. As DFW is among the top three busiest airports in the Nation, the controllers must be focused and attentive at all times to ensure safe and smooth air traffic. If it were not for Mr. Byrd's immediate reaction and sharp eye, two jets, an American Airlines MD80 and a United Express regional jet, might have collided last August.

That day, the regional jet's pilots had entered an incorrect runway into the Flight Management System, which put the jet directly into the path of the MD80. Luckily, Mr. Byrd noticed the anticipated trajectory paths for the jets and directed the regional jet immediately to the west, out of the path of the MD80. His careful watch and proactive character saved numerous lives that day.

It is with great honor that I recognize Mr. Borden Byrd for his exceptional service not only to Dallas-Fort Worth International airport, but also to our community. His knowledge and dedication to air safety prevented a great tragedy from occurring, and I join his family and friends in congratulating him on this heroic affair.

PAYING TRIBUTE TO BONNIE SCHOFIELD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. PORTER. Madam Speaker, I honor Mrs. Bonnie Schofield for her dedication to the community and families she served.

Bonnie has been serving 79 families in Hiko, NV, as a postmaster since 1973, 6 hours a day, 6 days a week. Bonnie's families picked their mail up at the Post Office in front of her house in an old-fashioned way. Instead of using the modern-day post office boxes, the mail was sorted into old-fashioned sacks

Bonnie handmade herself and then hung onto pegs. Families would then pick up their mail while the traditions of past generations stayed intact.

For the 30 years prior to her appointment as postmaster, Bonnie's mother-in-law held the position. Her daughter also continues the family tradition, for she was named postmaster for 2004 in Alamo, NV. Bonnie also has served the National Association of Postmasters of the U.S., NAPUS, as State president, on its State council, and representing Nevada in Washington, DC.

On December 1, 2006, Bonnie retired from her position as postmaster and, with her, lay to rest the traditions of Hiko' s community. What she will miss the most is the customer interaction and personalized service. Now that she is retired, she plans on nurturing her garden and traveling with her husband of 49 years. Bonnie also plans on spending more time with her 4 children, 18 grandchildren, and 8 great-grandchildren.

Madam Speaker, it is with great honor that I recognize the gracious efforts of Mrs. Bonnie Schofield. Her diligence and dedication are those to be admired. I wish her luck with all her future endeavors.

TRIBUTE TO MAYOR MANUEL DIAZ

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. MEEK of Florida. Madam Speaker, I congratulate Mayor Manuel Diaz of Miami for receiving the ''Outstanding American by Choice'' award on January 24, 2007 at the White House.

The ''Outstanding American by Choice'' award recognizes the achievements of naturalized U.S. citizens who, through civic participation, professional achievement and responsible citizenship, have demonstrated their commitment to this country and to common civic values. The award is given to citizens who have made significant contributions to their community and to this country.

Mayor Diaz was born on November 5, 1954 in Havana, Cuba and immigrated to the United States with his mother, Elisa, in 1961. He grew up in Miami's Little Havana neighborhood and attended Belen Jesuit Prep School, Miami-Dade College, Florida International University and the University of Miami's School of Law.

Mayor Diaz was elected as mayor of the city of Miami in 2001 and re-elected to a second term in 2005. He has led the effort to reform Miami city government, improve public schools, and bring increased investment and business opportunities to Miami. Vanity Fair magazine has honored Mayor Diaz, calling him one of North America's leading environmentally conscious mayors. In recognition of his accomplishments, Mayor Diaz was honored by his fellow mayors and elected chair of the Advisory Board of the United States Conference of Mayors in 2006.

Mayor Diaz's achievements should make all Americans proud that, in this Nation of immigrants, success in life is attainable through hard work and the desire to achieve great dreams.

INTRODUCTION OF RESOLUTION REGARDING 9/11 HEALTH ISSUES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mrs. MALONEY of New York. Madam Speaker, as a next step in the long fight to ensure that the heroes of 9/11 get the medical monitoring and treatment they need and deserve, today with my colleague Rep. VITO FOSSELLA, I am introducing a resolution urging the Administration to prepare a comprehensive plan to medically monitor all individuals—responders, residents, area workers and school children—who were exposed to the toxins of Ground Zero on 9/11 and to treat all those who are sick as a result.

A peer-reviewed study released last year by the World Trade Center Medical Monitoring Program found that 70 percent of 9/11 responders have suffered from respiratory ailments and 60 percent are still sick. Among those screened, 40 percent do not have health insurance. A study previously published by the New York City Fire Department documented a 12-year lung capacity loss, on average, among New York City firefighters who responded to the World Trade Center.

Despite these well-documented illnesses and lack of medical insurance, only a fraction of 9/11 responders, area residents, workers and school children are being medically monitored. Far fewer are receiving the treatment they need. Even worse, the first federal funding for treatment of responders, which was distributed in October 2006, is projected to run out sometime this summer—just months after the treatment program began.

I am pleased that the Administration has, for the first time ever, included funding in the FY2008 budget for health treatment for sick and injured 9/11 first responders. However, the $25 million included will cover just a small fraction of the cost of monitoring and treating the thousands exposed to the toxins of Ground Zero. I am also pleased that the Administration has finally said that HHS will be producing an estimate for the heath needs of first responders—but only first responders. Quite simply, a plan that takes into account only first responders is not sufficient. The hundreds of thousands of area residents, workers, school children and federal employees who are in need of monitoring and treatment deserve to be included in any plan put forth by HHS.

I am hopeful that Congress will be taking direct action in the coming weeks and months to fund current treatment and monitoring programs as well as expand those programs to include all affected residents, school children, area workers and rescue workers who came to New York from across the country after 9/11. As we work together toward bolder action, I believe this resolution urging the Department of Health and Human Services to develop a comprehensive plan is an important first step in focusing the Administration's attention on the health needs of the all the heroes of 9/11.

HONORING THE CITY OF PIEDMONT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mrs. LEE. Madam Speaker, I rise today to honor the City of Piedmont on the occasion of its Centennial Celebration.

Prior to its incorporation as a city in 1907, Piedmont was comprised of lands owned by individuals such as Don Luis Peralta, Walter Blair and James Gamble. During the late 1800s, Mr. Blair bought 600 acres of land from the Peraltas. He built a dairy on Highland Avenue, a quarry, a hotel and an amusement park known as Blair Park.

In 1877 James Gamble, the president of Western Union Telegraph, bought 350 acres from Mr. Blair. He built a house on Hillside Avenue and planned to sell the rest of the land so others could build houses as well. He called his business the Piedmont Land Company, which he felt was appropriate for the new community due to the fact that Piedmont means ''foot of the mountain'' in Italian.

In the 1880s there were only seven houses where the City of Piedmont is now. During the same time Piedmont had its first and only factory, the Ladies Silk Culture Society. Over 100 women worked spinning thread from the cocoons of silk worms that grew on the mulberry trees, but ultimately there weren't enough trees and the factory closed in 1895.

While major landowners were building large houses in the middle of Piedmont during the early 20th century, many artists and writers lived in smaller houses they built themselves on Scenic Avenue. Jack London, Xavier Martinez and George Sterling all lived in the hills of Piedmont during the early 1900s.

On April 18, 1906, the infamous San Francisco earthquake rocked the Bay Area, sending thousands of city residents across the Bay into the surrounding communities. Many of those who fled the destruction in San Francisco at that time came to Oakland, Berkeley and Piedmont, which grew 10 times larger in one year as a result.

On January 7, 1907, Hugh Craig and James Ballentine filed papers with the State of California to incorporate the City of Piedmont. An election was held on January 26, 1907 and 118 men who owned land in Piedmont voted to become a city. Some residents were displeased with this result, however, and another election was held in September of the same year; the result held and Piedmont became a city by a mere 10 votes. Vamey Gaskill became the first mayor of Piedmont, but only served for three months. In May of 1907 Hugh Craig became the second mayor of the city and is considered by many to be the ''father'' of Piedmont. Piedmont City Hall was built in 1908.

Over the past century, the City of Piedmont has developed a governmental organization that provides its citizens with an exceptionally high level of municipal and educational services by partnering an exceptional staff with a tradition of generous community volunteerism. The residents of Piedmont have a history of service and leadership that extends from local to international endeavors. Their work contributes immeasurably to the quality of life here in

California's 9th Congressional District and beyond, and it is my pleasure to extend my heartfelt congratulations to all of Piedmont's residents on the occasion of its Centennial Celebration.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. DELAURO. Mr. Speaker, I rise in support of this continuing resolution and want to thank the Chairman, Mr. OBEY, for his leadership and that of his staff. Indeed, in the last few weeks alone, I think we have seen more leadership and more courage than we saw at any time in the last 6 years. You made hard choices—unpopular choices. But you took the first steps toward restoring fiscal discipline and order to a process that for too long had been broken.

And so, Mr. OBEY, I want to thank you—for reminding us that our first obligation is not to the special interests, but to the American people. To the business of governing responsibly. I am honored to call you my Chairman.

Mr. Speaker, this bill is only being considered for one reason and one reason alone—and that is because when the Republican majority left town last year they did so without passing a single domestic appropriations bill. No funding for health care. No funding for our veterans or our seniors. That is what the taxpayers' hard-earned dollars got them last year—nothing.

And so, I would say to my colleagues on the other side of the aisle—you had your chance to make this an open, transparent, functioning process. You had your opportunity to crack down on earmarks and special interests. You had that opportunity last year—for the last 6 years. And you squandered it and left a mess.

This bill is but the first few steps Democrats are taking toward cleaning up the mess left by the previous majority. It is by no means a perfect process. We are under no illusions. But by suspending this institution's broken earmark process, we have an opportunity to look toward next year with some optimism. Indeed, we used this opportunity to strengthen our capacity to respond to the needs of the public and restore funding to a few key priorities that had for too long been neglected by the previous majority.

This is true in area after area—first and foremost, with respect to our troops. Under this bill, men and women wounded in action in Iraq and Afghanistan will receive the health care they need, as will 325,000 additional veterans. We have restored some funding for Head Start and early childhood education, for special education and for Pell Grants which will help 5.3 million students pay for college. And by providing an additional $125 million for the President's underfunded, undermanned No Child Left Behind program, we can begin to help 6,700 underachieving schools turn around. So, too, are we restoring funding to the National Institutes of Health, which the previous majority cut for the first time in 36 years. This bill supports an additional 500 research project grants, 1,500 first-time investigators, and expands funding for high risk and high impact research—the future of medicine.

As the chair of the Agriculture Appropriations Subcommittee, I am pleased we were able to hold the line on rural development programs which provide assistance for rural utilities systems, business development, community facilities and housing—programs that otherwise would have seen draconian cuts under the President's FY07 request. We provide $65 million to help us counter the avian flu threat. And having been alarmed by breakdowns in our food safety and drug safety processes these last few years—from Vioxx to spinach—I am pleased we were able to provide some increases in this bill to help us begin to restore public confidence in these areas—at the USDA and FDA.

Indeed, Mr. Speaker, with this bill, we are sending the same message to the American people about their Congress. And so, I want to again commend my friend and chairman, Mr. OBEY, for doing remarkable work under the most difficult circumstances imaginable. It is time to put the public interest before the special interests. And with this bill, we take the first steps necessary to doing that. It is about time.

IN SUPPORT OF H.R. 808, ESTABLISHING THE DEPARTMENT OF PEACE AND NONVIOLENCE

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Ms. HIRONO. Madam Speaker, I strongly support H.R. 808, establishing the Department of Peace and Nonviolence.

At a time when we are spending hundreds of billions of dollars on the war in Iraq, which the majority of the American public no longer supports, there is a growing call for a diplomatic and political, in other words, a peaceful resolution to this conflict.

The establishment of the Department of Peace and Nonviolence, with its emphasis on education and dispute resolution through peaceful means, sends a clear message to our citizens and to the rest of the world that our country recognizes and values the peaceful resolution of conflicts and differences and that these methods should be emphasized to resolve conflicts at both the individual and national levels.

The Department of Peace is not a new idea. My esteemed and highly respected predecessor from the State of Hawaii, first Representative and then Senator Spark M. Matsunaga, proposed a similar institution 30 years ago as the Vietnam war waged on. After three decades of unresolved conflicts, worsening international relations, and seemingly endless wars around the world, the time has come to bring this great idea to life.

I fully support H.R. 808.

TRIBUTE TO GRACE CARTER DAWKINS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. GINGREY. Madam Speaker, I rise today to honor the memory of Grace Carter Dawkins, a native of Greenville, GA. Mrs. Dawkins recently passed away, leaving behind a long legacy of compassion and spirited involvement in her community.

Mrs. Dawkins had a big heart and a willingness to help others. As a teacher in Newnan and Atlanta, she not only taught home economics and served as a class sponsor, but she helped sew prom dresses for the students and cooked up delicious meals for class banquets.

Grace was also deeply involved with her church, Brinson Chapel, where she lent her passion for service to the church's missionary, senior, and community outreach programs.

Madam Speaker, I've had the honor to experience Grace's generous personality firsthand, and I know her loving acts of kindness will be felt in Greenville for many years to come.

I also know Grace's husband, Robert, her sister, Gloria Carter Morris, and her three brothers, Rufus, Earnest, and Willie Carter, will keep her memory strong.

Madam Speaker, I ask that you join me in honoring the compassion, charity, and joy of Grace Carter Dawkins's life.

HONORING MRS. DAWN GASIOR OF ST. SYMPHOROSA SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an outstanding educator in my district, Mrs. Dawn Gasior. For 27 years, Mrs. Gasior has tirelessly served her students and the entire St. Symphorosa Parish community. As a result of her dedicated and enthusiastic efforts, she was recently nominated for the Archdiocese of Chicago's ''Heart of the School'' Award.

A long-time Clearing resident and student at St. Symphorosa from 1963 to 1971, Mrs. Gasior returned to the school in 1980 to establish a Kindergarten program and began teaching the second grade in 1984. Mrs. Gasior still teaches the second grade today and especially enjoys teaching the Sacraments. She not only provides valuable insight and moral guidance in the classroom, but also offers support to the parish through her work as a Eucharistic Minister.

The Archdiocese of Chicago's ''Heart of the School'' Award annually recognizes 14 teachers for their outstanding, unique, and innovative accomplishments. This year, the Archdiocese is acknowledging Mrs. Gasior in the area of Catholic School Identity and Mission for her work in the design and implementation of effective catechetical approaches in the curriculum and for her commitment to promoting peace and justice. Mrs. Gasior's nomination is a tribute to her work and a reflection of the

Chicago Archdiocesan pledge to develop educated, thoughtful, and moral students.

It is my honor to commend Mrs. Dawn Gasior for her achievements as an outstanding teacher and advocate of Catholic education. She, along with countless other educators, serves to enhance our overall education system—impacting one student at a time. I thank Dawn, along with all of our Nation's teachers, for their dedication, passion, and noble service.

LITTLE ROCK SCHOOL BOARD HAS FIRST BLACK MAJORITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the CONGRESSIONAL RECORD an article in the New York Times announcing a majority African American School Board in Little Rock, AR. This is the first time since Federal troops enforced integration in 1957 that African Americans have earned a majority on the Little Rock School Board. As pronounced in the article, it is good to see that people are looking for a change.

The events that took place in Little Rock still stand as a testament to the spirit of resiliency abiding deeply within the African American community. Similarly, the decision to integrate in 1957 echoes our countries commitment to ultimately ensuring equality among all of our Nation's sons and daughters. In the same way that 1957 remains such a pivotal year in our Nation's history, I hope that these more recent events continue to shape future generations—moving away from things as usual, as the article states, toward viewing issues of importance from the perspectives of the people directly affected rather than by socially engineered categories like race, gender, and class.

Central to the article are the issues faced by students, skin color notwithstanding. It is important to understand that what this article highlights is not simply the need to recognize the gains made by African Americans in winning the majority of seats on the school board but rather the changes in minds and hearts necessary to move to a space where people are voted for because of their desire to preserve and protect the interest of the people they serve.

I applaud the efforts of Little Rock School Board members as well as members of the community.

[From the New York Times, Oct. 13, 2006]

LITTLE ROCK SCHOOL BOARD HAS FIRST BLACK MAJORITY

(By the Associated Press)

LITTLE ROCK, AR.—For the first time since federal troops enforced public school integration here by escorting a group of black students into Central High School 49 years ago, the Little Rock school board has a black majority.

Dianne Curry won a runoff election on Tuesday, meaning four of the Little Rock School District's seven board members are black. Ms. Curry defeated Tom Brock, who had been appointed to fill an unexpired term in February.

The district, which has 26,000 students, has been mostly black for years, but until now has never had a black majority on the school board.

Until 1957, Little Rock had operated separate schools for blacks and whites. Despite an order from the United States Supreme Court, Gov. Orval E. Faubus sought to prevent nine black students from entering Central High, but President Dwight D. Eisenhower sent in the 101st Airborne to enforce the court's order.

Federal courts have monitored the desegregation effort since 1965.

Sixty-eight percent of the district's students are black, 24 percent are white, and Hispanics and Asians make up most of the remaining 8 percent. The population of Little Rock is mostly white, and there are many predominantly white private schools in the area.

The school district has sought to free itself from federal monitoring, but a judge maintained partial control after ruling two years ago that the district was not adequately appraising how well its academic programs helped black students.

Superintendent Roy Brooks is black, as is Robert Daugherty, the board's president.

''I think people are looking for a change,'' Mr. Daugherty said. ''They're tired of things as usual, business as usual. They want people who are more in tune with the community, and I think that's what you see now.''

Skip Rutherford, dean of the Clinton School of Public Service and a former board president, said that a black majority on the board was ''probably long overdue.''

Students will still come first, said Mr. Rutherford, who is white.

''I think the board members are going to vote much more on the content of their character than the color of their skin,'' he said. ''Most people when they get on the school board tend to view issues not by color but by what's best for the students.''

INTRODUCTION OF THE MARRIAGE TAX PENALTY PERMANENT ELIMINATION ACT OF 2007

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. WELLER of Illinois. Madam Speaker, thank you for the opportunity to introduce the Marriage Tax Penalty Permanent Elimination Act of 2007. This important bill makes marriage tax relief permanent for the 48 million American married couples that benefit from the marriage tax relief enacted by Congress and signed into law in 2003.

Madam Speaker, if we do not act, in 2010 48 million hardworking married couples will face an annual tax increase which averages $2,726. I am sure I speak for the married couples in my district and Illinois when I say that $2,726 each year is a lot of money. In fact, if a couple were to put this money away each year to pay for the costs of a child's college education, without even earning interest they would have nearly $50,000.

My legislation will ensure that marriage tax relief becomes permanent and 48 million American couples are not subject to a $2,726 annual tax increase starting in 2010. I encourage my colleagues to join me in continuing the fight to guarantee that the values we hold most dear, marriage, family and hard work are treated fairly under our tax code.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. FORTENBERRY. Madam Speaker, on Monday, February 5, 2007, I was unavoidably detained and thus I missed rollcall votes Nos. 74 and 75.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I was unable to attend two votes last night due to official business, hosting a paying for college workshop in my district.

I obtained an excused absence for this event, and I ask unanimous consent to include this personal explanation in the RECORD.

On February 5, 2007, I was unable to be present for rollcall votes No. 74 and No. 75.

On rollcall vote No. 74 to suspend the rules and agree to the resolution regarding National Consumer Protection Week, I would have voted ''aye.''

On rollcall vote No. 75 to suspend the rules and agree to the resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day, I would have voted ''aye.''

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. KENNEDY. Madam Speaker, on rollcall No. 74 and No. 75 I was unable to make the vote. Had I been present, I would have voted ''yea'' on both No. 74 and No. 75.

TRIBUTE TO FATHER ROBERT F. DRINAN, SJ

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 2007

Mr. HONDA. Mr. Speaker, I rise today to memorialize the recent passing and pay tribute to a great and former Member of this House, Father Robert Drinan. Many Members of this House have already praised his advocacy of human rights and women's rights, his efforts to uphold government morality, his role as an educator, and his commitment to his Catholic faith. I rise today to highlight and honor Father Drinan for a particular element of his human and civil rights advocacy work.

In 1981, as a former Congressman and noted advocate for social justice, Father Drinan was named to the Commission on Wartime Relocation and Internment of Civilians (CWRIC). This commission was formed to investigate the facts and circumstances surrounding Executive Order (EO) 9066 and the

impact of this order and the ensuing exclusion, relocation, and internment on American citizens and permanent resident aliens of Japanese ancestry.

The CWRIC found that EO 9066 and the decisions that followed were not justified by military necessity, but shaped by racial prejudice, wartime hysteria, and a failure of political leadership. As a member of the commission, Father Drinan was among the most outspoken about the need to remedy the injustices done to these loyal Americans and permanent residents. Based on the CWRIC's findings and recommendations, Congress passed the Civil Liberties Act of 1988, which provided a national apology and redress to all surviving individuals who were excluded from their place of residence due to EO 9066.

The CWRIC and its findings are cited as historic and remarkable due to their impeccable credentials, solid research, and far-reaching influence, As such, we cannot understate the role of Father Robert Drinan in the proceedings and findings of this commission. He spoke for redress to former internees in his Congressional testimony on behalf of the commission. His testimony was truly instrumental in the passage of the Civil Liberties Act and sent a message to the Nation and the world that the U.S. Government is able to admit its mistakes and take responsibility in making reparations. In a speech before Congress in 1987, Father Drinan profoundly stated, "No U.S. Government may take away the liberty of its citizens, even in wartime, unless there is some clear and provable reason. Lacking any such reason, the deprivation of liberty of any U.S. citizen is a clear violation of the Constitution, which states in the 14th Amendment that no person may be deprived of 'life, liberty, or property without due process of law.' "

Father Drinan maintained his commitment to the causes of human rights, education, and promoting awareness of the triumphs and follies of U.S. history throughout his life and well after his tenure on the CWRIC. On the matter of Japanese American Internment, Father Drinan was among the founding board members of the Civil Liberties Public Education Fund which was created by the Civil Liberties Act of 1988 to fund educational and humanitarian purposes related to the wartime internment of Japanese Americans. As part of this board, Father Drinan ensured that we as a Nation never forget the mistakes in our history and are reminded to uphold the virtues of equality and justice for all.

Mr. Speaker, Father Robert Drinan has certainly impacted this Nation in innumerable ways, but I have been personally touched by Father Drinan's work and advocacy on behalf of the Japanese American community towards redress. Our Nation owes Father Drinan much honor, respect, and gratitude for his work to address the wrongs done to Japanese Americans during World War II and his tireless effort to ensure this Nation lives up to its own standards. He will be sorely missed.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. ORTIZ. Madam Speaker, due to my attendance at a memorial service in my district, I was unable to cast the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 74: "yea".

Rollcall No. 75: "yea".

HONORING TEMPLE COLLEGE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the high level of success achieved by Temple College located in Temple, Texas. The Texas Bioscience Institute established by Temple College recently garnered the highest award offered by the Community College Futures Assembly, the distinguished Bellwether Award. The Bellwether Award is given to the highest achieving institute in workforce development. This award is given to only one community college each year, effectively recognizing the Texas Bioscience Institute as the finest workforce development institute at any community college. One chancellor from a California community college was so impressed with TBI he plans to emulate the institute at his school.

This award not only recognizes TBI's success; it is an indicator of the bright future of Temple College and the Texas Bioscience Institute. With this award comes the opportunity to apply for grants from the state and federal governments, ensuring the means for further successes from this institute. Not satisfied to rest on their laurels, the institute plans to increase the number of students by 50 percent to 150 and maintain the high level of teaching achievement they are known for. I am very proud of their work and am honored to represent such a fine academic institution as Temple College and their award-winning Texas Bioscience Institute.

TRIBUTE TO JAMES C. MILES

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. PITTS. Madam Speaker, it is my distinct honor to remember the life of a proud Berks County resident, James C. Miles. James was born August 26, 1918, to Alfred and Grace Miles, and passed away on February 5, 2007, at the age of 88.

Born and raised in Reading, Pennsylvania, Mr. Miles graduated from Reading High School in 1936 and later joined the U.S. Army during World War II. Utilizing his experience with the famous Reading Railroad industry, Mr. Miles served in Northern Africa and Europe helping to repair the rail network in support of the advance towards Germany.

Mr. Miles was a member of the Advent Lutheran Church in West Lawn, Pennsylvania. In addition, Mr. Miles was a former President of the Wernersville VFW.

Mr. Miles was preceded in death by his wife of over 40 years, the former Marjorie Elizabeth High, whom he wed November 27, 1941, and who passed away on May 22, 1986. Surviving him are his two children, Larry E. (Catherine) Miles of Wyomissing, Deborah (Michael) Shimko of Nazareth; five grandchildren, Kelly (Tony) Curtis of Glen Allen, VA, Jeffrey (Meredith) Miles currently serving at our Embassy in Mexico City, Mexico, Jennifer Miles of Chicago, IL, Michael and Mark Shimko of Nazareth; and three great-granddaughters, Caroline, Madelyn and Claire Curtis of Glen Allen, VA.

Madam Speaker, I would like to take this opportunity to remember and celebrate the life of James C. Miles. I ask my colleagues to join me in honoring his life and achievements here today.

NOW, MORE THAN EVER, WE NEED A DEPARTMENT OF PEACE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. CONYERS. Madam Speaker, America needs a Department of Peace in order to have a peace-making capacity to match its war-making capacity. America should rely on preventive diplomacy, not on preventive war. We should work within the framework of international law, not defy it.

My first campaign for Congress, following the teaching of Dr. King, was based on "jobs, peace and justice." That remains my priority agenda. So I am proud to be an original cosponsor of H.R. 808, Representative KUCINICH's bill to establish a Department of Peace and Non-Violence. At a time when the world is awash in war, he and Marianne Williamson, founder of the Peace Alliance, offer this modern vision of healing and preventing violence.

It could not be more timely. According to all reports, the Bush administration is debating whether to attack Iran or to find peaceful ways to deal with its nuclear program and its intervention in Iraq. The prospect of President Bush starting a "pre-emptive war" with Iran, on top of the tragedy in Iraq, is frightening. If that is not a compelling argument for creating a Peace Department, then I do not know what is.

We attacked Iraq because President Bush would not pursue peace and let U.N. inspectors complete their work. Instead, he distorted intelligence and failed to foresee the terrible consequences of that war. We must not repeat those mistakes in Iran, or anywhere else.

Last night, I spoke to an overflowing crowd that supports this measure and I told them what I tell my colleagues now. The best way to stop the war in Iraq is for the Congress to end our fighting there as soon as possible, and the best way to prevent wars with Iran and other adversarial nations is to establish a Department of Peace. We need a Cabinet Secretary focused like a laser on how to keep peace with Iran and constantly pressing the President to choose that strategy.

President Bush has already spent some $2 trillion on the war in Iraq. Just think what we could have done with $2 trillion spent on health care and education. That is another strong reason for the Department of Peace. A small fraction of that amount could also have funded a robust, proactive Department of Peace to analyze looming conflicts and to advise the President on how to diffuse them without war.

The most crucial point is what happens when the President and his top advisors confer in the Oval Office about an international crisis. We need a Cabinet member at that table who will forcefully and persistently advocate the peaceful options. Too often, the phrase ''search for peace'' is simply a political sound bite. President Bush assured us he was searching for peace, and that attacking Iraq was his ''last resort,'' while he secretly plotted war. We need to ensure that war really is America's last resort.

Some of my colleagues may find this proposal interesting but feel they must deal with ''more pressing matters.'' What is more pressing than preventing the violent deaths of our GI's and of our fellow human beings everywhere?

Some colleagues may think a Department of Peace is being offered as a substitute for our Armed Forces. That is not true. We realize that sometimes force proves necessary to protect our truly vital interests. A Peace Department would complement the Pentagon, not replace it, but a Peace Department would make war as rare as possible.

I remind those cynical about the absolute priority of pursuing machinery for peace that Gandhi, Dr. King and Nelson Mandela, who each pioneered paths of peace and non-violence, are now hailed worldwide as heroes of humanity.

INTRODUCTION OF THE RURAL COMMUNITIES INVESTMENT ACT, H.R. 833

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to strengthen economies in rural America.

The legislation that I have proposed, The Rural Communities Investment Act, H.R. 833, extends tax initiatives to make the interest income on farm real estate and certain rural housing loans exempt from federal taxation.

Rural communities are facing sharp declines in population and business development due to urban migration and consolidation trends in U.S. agriculture. My bill would provide tax incentives to facilitate low cost financing options for farm and rural housing loans. More financing options will encourage greater competition among lenders and better rates for borrowers.

The Rural Communities Investment Act, first introduced as H.R. 4854 in the 109th Congress, has received the support of the Kentucky Bankers Association, a trade group representing the interests of thousands of bank employees across the Commonwealth of Kentucky.

I believe the incentives offered in The Rural Communities Investment Act will provide a solid foundation for new investment and economic stability in small town America, making rural communities affordable and attractive places to live and do business.

THE PASSING OF CHARLOTTE THOMPSON REID

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. HASTERT. Madam Speaker, I rise today to celebrate the life of a former member of this House and one of my predecessors, Charlotte Thompson Reid, who passed away on January 25, 2007. For those of us from the Fox Valley who have since gone on to a life of public service, Charlotte Thompson Reid is an inspiration to us all and an example of how to serve the people you have been trusted to represent with the utmost integrity.

Known as the ''Grand Lady of Aurora, Illinois,'' and ''Charley'' to her friends, Charlotte accomplished great things for her hometown of Aurora and the surrounding area. Her sparkling personality and just plain Midwest-friendliness is renown throughout all of Chicago land.

As I have said before on the floor of this House, her service in Congress overlapped with the beginning of my teaching career in Yorkville, Illinois and her outstanding record helped inspire me to seek public office in the late 1970s. In fact, Charley's endorsement and work on my behalf helped me get elected in 1986 during my first and toughest race.

After raising her family of four, she worked side by side with her husband Frank as he ran for the House of Representatives in 1962. When Frank suddenly died, she was elected in his stead. She won re-election in four terms bringing her solid Midwestern values to this House. Charlotte went on to be appointed to the F.C.C. where she served with distinction until the mid-70s and was later appointed by President Reagan to serve on the Presidential Task Force on International Private Enterprise from 1985–1987.

To be sure, Charley's surviving children (Patricia, Susan, and Frank), eight grandchildren, and thirteen great-grandchildren, should be proud of the legacy she has left behind and carry her spirit for life with them in their journeys.

Madam Speaker, we are all indebted to Charlotte Thompson Reid for her energy, her gentle manner and what she meant for this country. I offer her family my sincere condolences during this difficult time and wish them the very best in the future.

BLACK HISTORY MONTH

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Ms. MILLENDER-McDONALD. Madam Speaker, during the month of February, we celebrate Black History Month. This year's theme is ''From Slavery to Freedom: The Story of Africans in the Americas.''

I would like to call the attention of my colleagues to a man who exemplifies the characteristics of a leader in the African American community. It is with great pride that I introduce and honor Farrell J. Chiles as he celebrates his 9th year as a member of Blacks In Government (BIG) and on completion of his 5th consecutive year as its Chairman of the Board.

In 2000, Mr. Chiles began his leadership role within BIG as the President of the Los Angeles/Long Beach Area Chapter. The following year, he was elected to the board of directors of the National Organization.

In 2000, Mr. Chiles became the Chairman of the Board and has been re-elected for 4 consecutive years. During his chairmanship, the organization has grown and achieved remarkable successes.

Mr. Chiles is also a Life Member of the NAACP and the ROCKS, Inc., and an associate member of the Tuskegee Airmen, Inc.

Mr. Chiles is presently employed with the Department of the Army, at the 63rd Regional Readiness Command in Los Alamitos, California where he serves as the Division Chief of the Human Resources Division. He is a member of the United States Army Reserve, a Vietnam Veteran, and was mobilized for a year in support of Operation Enduring Freedom.

He is a Life member and former board member of the United States Army Warrant Officers Association. Mr. Chiles is also a Life Member of the Reserve Officers Association. During Black History Month in 2005, he presented a report at its MidWinter Conference entitled ''African American Warrant Officers—In Service to their Country—Their History, Achievement, and Contributions to the Military and the United States.'' This year, his presentation is on African American Warrant Officers during World War II.

Mr. Chiles served on the 37th Congressional District's Veterans Congressional Council and is a Life Member of the Veterans of Foreign Wars.

It is my sincere hope that my colleagues will join me in honoring and recognizing Mr. Chiles and his significant accomplishments throughout his career, his leadership with Blacks In Government, and his service to the African American community and his country.

HONORING THE DIOCESE OF ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to honor the Diocese of Orange County which has recently celebrated its 30th anniversary and thank Bishop Tod Brown for his leadership of the Diocese.

The Diocese of Orange was established in 1976 after 200 years of presence by the Catholic Church symbolized by the Mission at San Juan Capistrano built in 1776.

Since its original charter, The Diocese of Orange has always stood for justice and peace and has grown with Orange County providing immeasurable service to the community.

The Diocese has a hand in the education of over 65,000 students from elementary through high school instilling values of community involvement and a strong moral compass.

The Diocese has also provided assistance to over 400,000 patients through its clinics, health centers, and hospitals in Orange County.

On top of these services, the Catholic Diocese has been a beacon of hope for the underprivileged in Orange County and always provides help to those in need.

The Diocese has united a culturally diverse group of people, including my Vietnamese and Latino communities, through faith, love and understanding. The Church has always been welcoming and I thank them for their service.

IN RECOGNITION OF ST. BARTHOLOMEW CATHOLIC SCHOOL

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. HILL. Madam Speaker, I rise today to congratulate St. Bartholomew Catholic School in Columbus, Indiana for receiving the Department of Education's 2006 No Child Left Behind Blue Ribbon School Award.

St. Bartholomew Catholic School is among only 250 schools in the Nation to receive the Blue Ribbon School Award, and 1 of 14 schools in Indiana honored with the award. The award recognizes the high academic achievements of the students.

The Blue Ribbon School Award is a testament to the hard work and dedication demonstrated by the students, parents, teachers, and administrators of St. Bartholomew Catholic School, including its Principal Kathy Schubel. This school has become a model for other Indiana schools for its academic excellence.

It is my honor and privilege to recognize St. Bartholomew Catholic School for its outstanding achievement in preparing our Hoosier children for their future opportunities. I urge St. Bartholomew Catholic School to continue to be a shining example of superior leadership, and continue its commitment to excellence in education.

INTRODUCING THE HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2007

Mr. ABERCROMBIE. Madam Speaker, I rise in support of legislation I am proud to introduce today. The Hawaiian Homeownership Opportunity Act of 2007 is the exact same language of H.R. 5851, reported out of the House Financial Services Committee on September 28, 2006, in the 109th Congress.

The measure reauthorizes existing Native Hawaiian housing programs for 5 years and makes two adjustments to the program that will allow the Department of Hawaiian Home Lands to help more Native Hawaiians whose incomes are equal to or less than 80 percent of the median income.

In 2000 Congress passed legislation authorizing the U.S. Department of Housing and Urban Development, HUD, to provide block grants for affordable housing for Native Hawaiians through the Department of Hawaiian Home Lands. The 2000 measure also authorized HUD home loan guarantees for low-income Native Hawaiians. Eligible borrowers include Native Hawaiian families, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit organizations experienced in planning and developing affordable housing for Native Hawaiians.

The Hawaiian Home Ownership Opportunity Act of 2007 reauthorizes these programs and adds a new provision authorizing loan guarantees for home mortgage refinancing. This introduces greater flexibility and allows families to take advantage of lower interest rates as millions of other American families have. The measure would also permit the Department of Hawaiian Home Lands to issue bonds. This will allow the Department to service more low-income families without a large increase in appropriations.

This bill is about homeownership; this is not welfare or public assistance. It offers another tool for a family to provide for a basic need, housing. This is unbelieveably important in Hawaii where land is scarce and the median home price on the island of Oahu is $639,000 and the median condominium price is $310,000. This measure will advance our efforts to address housing affordability in the islands.

I would like to thank the House Financial Services Committee Chairman BARNEY FRANK and Subcommittee on Housing and Community Opportunity Chairwoman MAXINE WATERS who have been extremely supportive in dealing with the housing problems of Hawaii. I would also like to recognize my colleague from Hawaii, Congresswoman MAZIE HIRONO, who, like Chairman FRANK and Chairwoman WATERS, is a cosponsor of this legislation.

I urge my colleagues to help the residents of Hawaii and support this legislation.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1583–S1654

Measures Introduced: Nineteen bills and three resolutions were introduced, as follows: S. 491–509, S. Res. 72–73, and S. Con. Res. 9. **Pages S1626–27**

Measures Passed:

Ronald Reagan Day: Senate agreed to S. Res. 73, designating February 6, 2007, as ''Ronald Reagan Day''. **Pages S1653–54**

Messages Referred: **Page S1621**

Executive Communications: **Pages S1621–26**

Executive Reports of Committees: **Page S1626**

Additional Cosponsors: **Pages S1627–28**

Statements on Introduced Bills/Resolutions: **Pages S1628–53**

Additional Statements: **Pages S1620–21**

Authorities for Committees to Meet: **Page S1653**

Privileges of the Floor: **Page S1653**

Adjournment: Senate convened at 10 a.m., and adjourned at 7:31 p.m., until 10 a.m., on Wednesday, February 7, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1654.)

Committee Meetings

(Committees not listed did not meet)

DEPARTMENT OF DEFENSE BUDGET

Committee on Armed Services: Committee concluded a hearing to examine the President's proposed 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, after receiving testimony from Robert M. Gates, Secretary, and Tina W. Jonas, Under Secretary (Comptroller), both of the Department of Defense; and General Peter Pace, USMC, Chairman, Joint Chiefs of Staff.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of General George W. Casey Jr., USA, for reappointment to the grade of general and to be Chief of Staff, United States Army; Admiral William J. Fallon, USN, for reappointment to the grade of admiral and to be Commander, United States Central Command; and 37 nominations in the Army and Air Force.

WAR COSTS

Committee on the Budget: Committee concluded a hearing to examine war costs, focusing on the costs of operations in the Iraq theater and issues associated with estimating those costs, while considering the costs of the continuing global war on terror, after receiving testimony from J. Michael Gilmore, Assistant Director for National Security, Congressional Budget Office; and Steven M. Kosiak, Center for Strategic and Budgetary Assessments, and Gordon Adams, Woodrow Wilson International Center for Scholars, both of Washington, D.C.

EPA DECISIONS

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine recent Environmental Protection Agency (EPA) 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, after receiving testimony from Stephen L. Johnson, Administrator, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Thomas M. Sullivan, Chief Counsel for Advocacy, U.S. Small Business Administration; John R. Balmes, University of California, San Francisco at San Francisco General Hospital, on behalf of the American Lung Association and the American Thoracic Society, and Gina M. Solomon, Natural Resources Defense Council, both of San Francisco, California; Leslie Burger, Princeton Public Library, Princeton, New Jersey, on behalf of the

American Library Association; Robert T. Connery, Holland and Hart, Denver, Colorado; and Nancy Klinefelter, Baltimore Glassware Decorators, Baltimore, Maryland.

BUDGET PROPOSAL

Committee on Finance: Committee concluded a hearing to examine the President's Fiscal Year 2008 budget proposal, after receiving testimony from Henry M. Paulson, Secretary of the Treasury.

SOMALIA

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine a comprehensive stabilization, reconstruction and counterterrorism strategy for Somalia, after receiving testimony from Jendayi E. Frazer, Assistant Secretary of State for African Affairs; Michael E. Hess, Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development; David H. Shinn, George Washington University Elliott School of International Affairs, former Ambassador to Ethiopia, and J. Stephen Morrison, Center for Strategic and International Studies, both of Washington, D.C.; and Ken Menkhaus, Davidson College, Davidson, North Carolina.

U.S. ATTORNEYS

Committee on the Judiciary: Committee concluded a hearing to examine if the Department of Justice is politicizing the hiring and firing of U.S. attorneys relating to preserving prosecutorial independence, including S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys, after receiving testimony from Senator Pryor; Paul J. McNulty, Deputy Attorney General, Department of Justice; Mary Jo White, Debevoise and Plimpton, LLP, New York, New York, former United States Attorney; Laurie L. Levenson, Loyola Law School Center for Ethical Advocacy, Los Angeles, California; and Stuart M. Gerson, Epstein, Becker and Green, Washington, D.C.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of John Preston Bailey, to be United States District Judge for the Northern District of West Virginia, who was introduced by Senator Byrd and Representative Capito, and Otis D. Wright II, and George H. Wu, each to be United States District Judge for the Central District of California, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

NOMINATION

Select Committee on Intelligence: Committee ordered favorably reported the nomination of J. Michael McConnell, of Virginia, to be Director of National Intelligence.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 33 public bills, H.R. 833–865; and 10 resolutions, H.J. Res. 22; H. Con. Res. 56–59; and H. Res. 128–132 were introduced. **Pages H1270–72**

Additional Cosponsors: **Pages H1272–73**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Johnson of Georgia to act as Speaker Pro Tempore for today. **Page H1213**

Recess: The House recessed at 10:43 a.m. and reconvened at 12 p.m. **Page H1214**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Bainbridge Island Japanese American Monument Act of 2007: H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, by a ⅔ yea-and-nay vote of 419 yeas with none voting "nay," Roll No. 76; **Pages H1218–22, H1228–29**

Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007: H.R. 512, amended, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance

of a National Museum of the American Latino in Washington, DC; **Pages H1222–25**

Allowing for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District: H.R. 235, amended, to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District; **Page H1225**

Removing certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States: H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; and **Pages H1225–26**

Yakima-Tieton Irrigation District Conveyance Act of 2007: H.R. 386, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District, by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay," Roll No. 77. **Pages H1226–27, H1229**

Suspensions—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed until Wednesday, February 7:

American River Pump Station Project Transfer Act of 2007: H.R. 482, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project. **Pages H1227–28**

Resignation of the Clerk of the House: Read a letter from Karen L. Haas, in which she announced her resignation as Clerk of the House of Representatives, effective midnight on February 14, 2007. **Pages H1229–30**

Resignation of the Chief Administrative Officer of the House of Representatives: Read a letter from Jay Eagen, in which he announced his resignation as Chief Administrative Officer of the House of Representatives, effective midnight on February 14, 2007. **Page H1230**

Electing Officers of the House of Representatives: The House agreed to H. Res. 129, electing Lorraine C. Miller as Clerk of the House of Representatives and Daniel P. Beard as Chief Administrative Officer of the House of Representatives, after agreeing to divide the question. **Pages H1230–33**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H1228–29, H1229. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 6:05 p.m.

Committee Meetings

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Major Management Challenges Facing the Department of Homeland Security in Implementing Legislated and Other Security Improvements. Testimony was heard from David M. Walker, Comptroller General, GAO; and Richard L. Skinner, Inspector General, Department of Homeland Security.

PRESIDENT'S FY 2008 BUDGET

Committee on the Budget: Held a hearing on the President's Fiscal Year 2008 Budget. Testimony was heard from Robert J. Portman, Director, OMB.

HHS'S FY 2008 BUDGET

Committee on Energy and Commerce: Held a hearing entitled "A Review of the Department of Health and Human Services' Fiscal Year 2008 Budget." Testimony was heard from Michael O. Leavitt, Secretary of Health and Human Services.

ISSUANCE OF SUBPOENAS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations met and adopted a motion to issue subpoenas to several individuals to appear as witnesses before the Subcommittee in connection with a planned hearing on adequacy of the Food and Drug Administration to assure the safety of the drug supply on February 13, 2007.

HURRICANE KATRINA—FEDERAL HOUSING RESPONSE

Committee on Financial Services: Held a hearing entitled "Federal Housing Response to Hurricane Katrina." Testimony was heard from Representatives Taylor, Jefferson, Boustany, Jr., and Melancon; Roy A. Bernardi, Deputy Secretary, Department of Housing and Urban Development; David Garratt, Acting Director of Recovery, FEMA, Department of Homeland Security; Walter Leger, Chairman, Housing and Redevelopment Task Force, Louisiana Recovery Authority, State of Louisiana; Gray Swoope, Executive Director, Development Authority, State of Mississippi; and public witnesses.

RAIL AND PUBLIC TRANSPORTATION SECURITY

Committee on Homeland Security: Subcommittee on Transportation and Infrastructure held a hearing entitled "Update on Federal Rail and Public Transportation Security Efforts." Testimony was heard from

Kip Hawley, Assistant Secretary; Transportation Security Administration, Department of Homeland Security; the following officials of the Department of Transportation: Terry Rosapep, Deputy Associate Administrator, Program Management, Federal Transit Administration; and Michael Haley, Deputy Chief Counsel, Federal Railroad Administration; and Cathleen A. Berrick, Director, Homeland Security and Justice Issues, GAO.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action the following bills: H.R. 545, Native American Methamphetamine Enforcement and Treatment Act of 2007; H.R. 137, Animal Fighting Prohibition Enforcement Act of 2007; and H.R. 740, To amend title 18, United States Code, to prevent caller ID spoofing.

Prior to this action, the Subcommittee held a hearing on these bills. Testimony was heard from Representatives Tim Murphy of Pennsylvania; and Udall of New Mexico; Barry M. Sabin, Deputy Assistant Attorney General, Department of Justice; and public witnesses.

IRAQ RECONSTRUCTION COALITION PROVISIONAL AUTHORITY

Committee on Oversight and Government Reform: Held a hearing entitled ''The Lasting Impact of CPA Decision-Making on Iraq Reconstruction.'' Testimony was heard from Ambassador L. Paul Bremer, former Administrator, Coalition Provisional Authority; Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction; and David R. Oliver, Jr., former Advisor, Iraq Ministry of Finance, former Director of Management and Budget, Coalition Provisional Authority.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management approved for full Committee action the following bills: H.R. 798, To direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy; H.R. 799, Appalachian Regional Development Act Amendments of 2007; H.R. 187, To designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse;'' H.R. 342, To designate the United States courthouse located at 555 Independent Street, Cape Girardeau, Missouri, as the ''Rush Hudson Limbaugh, Sr., United States Courthouse;'' H.R. 399, To designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse;'' H.R. 429, To designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Hugh L. Carey United States Courthouse;'' H.R. 430, To designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York as the ''Conrad Duberstein United States Bankruptcy Courthouse;'' H.R. 478, To designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the ''Scott Reed Federal Building and United States Courthouse;'' H.R. 544, To designate the United States courthouse at South Federal Place in Sante Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse;'' and H.R. 584, To designate the headquarters building of the Department of Education in Washington, D.C., as the Lyndon Baines Johnson Federal Building.

PRESIDENT'S FY 2008 BUDGET PROPOSALS

Committee on Ways and Means: Held a hearing on the President's FY 2008 budget proposals. Testimony was heard from Henry M. Paulson, Jr., Secretary of the Treasury.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 7, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the United States Department of Agriculture farm bill proposal, 9:15 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider an original bill entitled ''Public Transportation Terrorism Prevention Act of 2007''; to be followed by hearings to examine predatory lending practices and home foreclosures, 10 a.m., SH–216.

Committee on the Budget: to hold hearings to examine the President's Fiscal Year 2008 budget proposal, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine climate change research and scientific integrity, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Energy, 9:30 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection, to hold hearings to examine global warming and wildlife, focusing on informing the Committee and the United States Senate on issues related to global warming and wildlife, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine the President's Fiscal Year 2008 budget proposal, 10 a.m., SD–215.

Committee on Rules and Administration: to hold hearings to examine the hazards of electronic voting, focusing on the machinery of democracy, 10 a.m., SR–301.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Homeland Security, on Using Risk to Determine Homeland Security Investments, 10 a.m., 2358 Rayburn.

Committee on Armed Services, hearing on the Fiscal Year 2008 National Defense Budget Request from the Department of Defense, 9:30 a.m., 2118 Rayburn.

Committee on the Budget, hearing on the Treasury Department Fiscal Year 2008 Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, hearing on Strengthening America's Middle Class: Finding Economic Solutions to Help America's Families, 10:30 a.m., 2175 Rayburn.

Committee on Financial Services, hearing entitled ''Committee on Foreign Investment in the United States (CFIUS), One Year After Dubai Ports World,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on International Relations Budget for Fiscal Year 2008, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, hearing entitled ''An Overview of Issues and Challenges Facing the Department of Homeland Security,'' 1 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following bills: H.R. 545, Native American Methamphetamine Enforcement and Treatment Act of 2007; H.R. 137, Animal Fighting Prohibition Enforcement Act of 2007; and H.R. 740, To amend title 18, United States Code, to prevent caller ID spoofing, 10:15, a.m., 2141 Rayburn.

Committee on Natural Resources, to meet for organizational purposes, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing entitled ''Iraqi Reconstruction: Reliance on Private Military Contractors and Status Report,'' 10 a.m., 2154 Rayburn.

Committee on Rules, to consider the following: H.R. 547, Advanced Fuels Infrastructure Research and Development Act; and an Oversight Plan for the 110th Congress, 2 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, to mark up the following measures: H.R. 720, Water Quality Financing Act of 2007; H.R. 569, Water Quality Investment Act of 2007; H.R. 700, Healthy Communities Water Supply Act of 2007; H.R. 798, To direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy; H.R. 799, Appalachian Regional Development Act Amendments of 2007; H.R. 802, Maritime Pollution Prevention Act of 2007; H.R. 342, To designate the United States courthouse located at 555 Independent Street, Cape Girardeau, Missouri, as the ''Rush Hudson Limbaugh, Sr., United States Courthouse;'' H.R. 399, To designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse;'' H.R. 429, To designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Hugh L. Carey United States Courthouse;'' H.R. 430, To designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York as the ''Conrad Duberstein United States Bankruptcy Courthouse;'' H.R. 478, To designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the ''Scott Reed Federal Building and United States Courthouse;'' H.R. 544, To designate the United States courthouse at South Federal Place in Sante Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse;'' and H.R. 584, To designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; and to consider an Oversight Plan for the 110th Congress, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, hearing on the President's FY 2008 for the OMB, 2 p.m., 1100 Longworth.

Subcommittee on Social Security, to meet for organizational purposes, 11 a.m., 1105 Longworth.

Permanent Select Committee on Intelligence, to consider the following: Oversight Plan for the 110th Congress; and Member requests to view classified documents, 5 p.m., H–405 Capitol.

Next Meeting of the SENATE

10 a.m., Wednesday, February 7

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 2 p.m.), Senate expects to consider certain pending executive nominations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, February 7

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 742—Amending the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction; (2) H.R. 365—Methamphetamine Remediation Research Act of 2007; (3) 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; (4) H. Res. 99—Commending the University of Nebraska-Lincoln volleyball team for winning the NCAA Division I Women's Volleyball Championship; (5) H. Res. 120—Recognizing the African American spiritual as a national treasure; (6) H.R. 187—Designating the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse''; and (7) H.R. 238—Repealing a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

Extensions of Remarks, as inserted in this issue

HOUSE

Abercrombie, Neil, Hawaii, E275
Brown-Waite, Ginny, Fla., E269
Burgess, Michael C., Tex., E269
Carter, John R., Tex., E273
Conyers, John, Jr., Mich., E273
Delahunt, William D., Mass., E268
DeLauro, Rosa L., Conn., E271
Fortenberry, Jeff, Nebr., E272
Gingrey, Phil, Ga., E271
Green, Gene, Tex., E272
Hastert, J. Dennis, Ill., E274
Hill, Baron P., Ind., E275
Hirono, Mazie K., Hawaii, E271
Honda, Michael M., Calif., E272
Kennedy, Patrick J., R.I., E272
Lee, Barbara, Calif., E270
Lewis, Ron, Ky., E274
Lipinski, Daniel, Ill., E271
Maloney, Carolyn B., N.Y., E267, E270
Meek, Kendrick B., Fla., E270
Millender-McDonald, Juanita, Calif., E274
Miller, Jeff, Fla., E267, E268
Ortiz, Solomon P., Tex., E273
Pitts, Joseph R., Pa., E273
Porter, Jon C., Nev., E267, E268, E269, E269
Rangel, Charles B., N.Y., E272
Rogers, Mike, Ala., E268
Sanchez, Loretta, Calif., E274
Visclosky, Peter J., Ind., E269
Weller, Jerry, Ill., E272

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