United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, MARCH 1, 2007 No. 35

House of Representatives

The House met at 10 a.m.

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

The prophet Jonah prayed from the belly of the whale. Why is it, then, so difficult to pray enclosed here in Congress?

Lord, at times it seems we are drowning in a sea of confusion amidst contradictory currents. Like the prophet, we seem alive under water, with so much of the world swimming between You and us. Not knowing if we are only treading water, seeing just beneath the surface, or actually afraid of the depths, we survive, but do not know what to pray for.

Content to let the motion of this great Nation carry us where it will, we seem to live within the walls of a false security. The dangers and terror swirling around us cause us to doubt our own power, so we tend to trust outer forces to hold us for another day.

Help us, Lord, to recognize in ourselves Your reluctant prophet. Like Jonah, we need You to prove Yourself our savior. Have Your way with us. Spit us up onto the shores You would have us trod. Make us realistic in achieving Your purposes by addressing the uneasy issues You lay before us today. Show us the way to turn things around, and with repentant hearts become once again Your people.

We ask this, believing in the sign of Jonah, both 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 Iowa (Mr. BRALEY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRALEY of Iowa led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side.

IN SUPPORT OF H.R. 800

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

Mr. BRALEY of Iowa. Madam Speaker, I rise this morning in a pair of work boots that I have owned for 26 years to express my strong support for H.R. 800, the Employee Free Choice Act.

I wore these boots when I worked for the Poweshiek County Road Department building roads and bridges on the county roads where I grew up. I wear them proudly today as a reminder of the hard work and sacrifice made every day in this country by working men and women who exercise their constitutional right to freedom of association by joining labor unions.

The Employee Free Choice Act provides greater protection to that freedom of association by providing for majority sign-up, first contract mediation and binding arbitration, and tougher penalties for violation of workers' rights.

Protecting the rights of workers has been a long and difficult struggle. Seventy-five years ago this month, Congress passed the Norris-LaGuardia Act, which declared it to be the public policy of the United States that employees be allowed to organize and engage in collective bargaining, free from coercion by their employers. The Employee Free Choice Act reinforces that public policy for labor negotiations in the 21st century.

I am proud to be an original cosponsor of this important bill, and I look forward to the day when it is signed into law.

PROTECTING THE RIGHT TO A SECRET BALLOT

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

Mr. KIRK. Madam Speaker, today, the House will take up legislation that will remove the right of Americans to a secret ballot in their union elections. When asked, only 6 percent of Americans supported eliminating a secret ballot, while 89 percent supported keeping their rights.

Eighty-four percent of Americans said that they did not want their choices to be made public. And when asked about this legislation, only 14 percent of Americans said they supported it; 79 percent opposed.

Madam Speaker, we cannot advance the interests of Americans by taking away their right to a secret ballot. Since 2000, Congress has provided hundreds of millions of dollars to improve voting in America. We even support secret ballot elections in places like Poland and Afghanistan, where secret ballots are banned.

Madam Speaker, we know that the union movement has lost over 3,000 dues-paying members alone. But just because only 12 percent of Americans now choose to pay into a union is no reason to attack our rights as Americans to a secret ballot.

TRIBUTE TO THE LATE USMC SERGEANT CLINTON W. AHLQUIST

(Mr. SALAZAR asked and was given permission to address the House for 1

Printed on recycled paper.

minute and to revise and extend his remarks.)

Mr. SALAZAR. Madam Speaker, I rise today to recognize and honor United States Marine Corps Sergeant Clinton W. Ahlquist of Creede, Colorado, who was killed in the line of duty while serving his country honorably in Iraq.

Sergeant Ahlquist wore his Nation's uniform proudly, and we should all pay tribute to this brave and courageous young man.

Every day our men and women in uniform willingly face unknown dangers as part of the effort to promote peace and democracy throughout the world. Their individual stories of honor and courage must not be forgotten.

Clinton Ahlquist moved to Creede, Colorado, during his freshman year of high school. Clinton touched countless lives during his 3 years at Creede High School.

Ahlquist was killed in Ar Ramadi, Iraq on Tuesday, February 20, 2007, by an improvised explosive device while patrolling a Medivac helicopter. He was 20 years old.

My heart goes out to Clinton's family and friends and those whose lives he touched throughout his service to our country. I am humbled by their strength and perseverance in the face of such hardship.

Sergeant Ahlquist died performing noble deeds, serving and protecting his fellow countrymen. Clinton and his family and friends have exhibited a rare form of selflessness and courage.

Madam Speaker, I submit this recognition to the United States House of Representatives in honor of their sacrifice so that Clinton W. Ahlquist may live on in memory.

PENCE EXCHANGE WITH AMBASSADOR RICHARD C. HOLBROOK

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

Mr. PENCE. As many Democrats make plans to cut or restrict funding to our troops in Iraq, yesterday before the Foreign Affairs Committee a dissenting voice came from a surprising place. Richard Holbrook was the former Assistant Secretary of State for the Clinton administration and has worked in diplomatic roles for every Democratic President since Lyndon Johnson.

Yesterday, Ambassador Holbrook appeared before our committee and I asked him directly, Do you oppose efforts to eliminate or reduce funding to our troops on the ground in Iraq? Ambassador Holbrook responded: ''I do, I oppose it.'' When I asked him to elaborate, he went on to say: ''I think that if the Commander in Chief has deployed the troops, the ultimate weapon of denying them the resources to carry out their mission only puts them in harm's way, greater harm's way. I would remind you that we cannot cut the troop funding.''

I commend Ambassador Holbrook for his storied career in American foreign affairs and his willingness to speak truth to power, even the power of many in his own political party.

As Ambassador Holbrook said yesterday before the Foreign Affairs Committee: ''We cannot cut off funding for our troops.''

HONORING THE LIFE OF GEORGE BECKER

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

Mr. ALTMIRE. Madam Speaker, as we take a very important vote for organized labor today, I rise to honor the life of George Becker, who passed away last month.

George served as president of the United Steelworkers of America from 1993 to 2001. He started working in a mill in 1944 at the age of 15. He fought in World War II and Korea.

After fighting for his country abroad, he spent over 50 years fighting for working Americans here at home. As president of the Steelworkers, George Becker fought tirelessly for workplace safety, for workers' rights and for fair trade practices.

I wish to express my sincere condolences to George Becker's wife, Jane, my constituent and my friend. Jane shared life with George for 57 years. George Becker will be deeply missed, but his selfless devotion to America's workers will always be remembered.

OPPOSITION TO H.R. 800

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

Mr. WALBERG. Madam Speaker, it is clearly and cleverly entitled the ''Employee Free Choice Act,'' but we are about to consider a bill that strips away the very tool that protects the sanctity of a free and open society, the private ballot.

Private ballots ensure workers have elections without fraudulent interference, coercion, or intimidation. Confidence will be lost with a system that forces workers to publicly declare their intentions. The AFL–CIO recognized this hypocrisy by expressing support for secret ballots when workers are presented the opportunity to decertify a union. They have argued that private ballot elections ''provide the surest means for avoiding decisions which are the result of group pressures and not individual decisions.''

As a former union steelworker, I believe in the merits of unionization, when appropriate. I also believe that every American worker should have the right to choose freely and privately. Congress has a duty to defeat legislation that strips workers of this important right, and I urge my colleagues to vote ''no'' on H.R. 800.

KUCINICH OPPOSED TO ATTACK ON IRAN

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

Mr. KUCINICH. I am totally opposed to any attack on Iran. It would have disastrous consequences for Iran, the U.S., the region and the world. It would put 140,000 U.S. troops in great jeopardy. It would expose Israel to maximum peril. Even the talk about such an attack should be subject to a review not only by Congress, but by an international tribunal. Iran has neither the intention nor the capability of attacking the United States, yet the administration has been preparing for some time for an aggressive war against Iran.

Congress must insist the administration come forward now with facts, not fiction, regarding Iran. We must not allow the President to remain unchallenged while he continues to use the media to create a pretext for an illegal war.

Congress must insist the President come to the full Congress for permission to take any action against Iran. If the President proceeds to attack Iran after an express congressional authorization under article I, section 8, both he and the Vice President should be subject to impeachment.

We must take a stand against aggressive war or we will lose our democracy.

TALKS WITH IRAN AND SYRIA

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

Mr. PITTS. Madam Speaker, the Secretary of State made news this week. During testimony before Congress she announced that the U.S. will join high level talks with Iran and Syria to work towards stability of the Middle East. Madam Speaker, this is a welcomed step in the right direction.

Diplomacy must not be the only option available to us, but it should certainly be one of them. President Reagan understood this principle. In dealing with the Soviets, he never shied away from publicly denouncing their acts of aggression and their disregard for human rights. Even so, he maintained open lines of communication with his Soviet counterparts throughout his Presidency. Reagan did so because he understood a very important principle, when done in the right way, tackling with your enemies is a sign of strengthen, not a sign of weakness. You don't have to give anyone away in order to dialogue.

The same can be true today. Talking with Iran and Syria and continuing to promote stability in the region can go hand in hand if done in the right way. This is the right move, and I applaud the administration for making it.

ETHICS IN THE JUSTICE DEPARTMENT

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

Mr. EMANUEL. Madam Speaker, today's Washington Post details more allegations of political influence in the recent firing of eight U.S. attorneys. Yesterday, in a press conference, a New Mexico U.S. Attorney, David Iglesias, asserted that he was fired for purely political reasons. The reason? Mr. Iglesias says that prior to November elections, two elected officials, Federal elected officials, asked him to speed up the probes of local politicians. He did the right thing, refused; and now he is fired.

We know that the White House officials intervened and replaced seasoned prosecutors with individuals short on experience but long on political ties. I thought that is what FEMA was for.

Yet Attorney General Gonzalez said he would never ever dismiss attorneys for political reasons. So this administration either originally hired incompetent U.S. Attorneys in the first place or hired competent U.S. Attorneys, but incompetently fired them. Which is it?

Many Americans believe these U.S. Attorneys are not being fired because they failed to go after public corruption, but because they did and were successful.

This Congress will not sit idly by. Madam Speaker, this Congress passed the most sweeping ethics changes since Watergate. We're cleaning up our mess. It's time the Justice Department did the same.

TEXAS INDEPENDENCE DAY

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

Mr. POE. Madam Speaker, in the rainy season in central Texas at a place called Washington on the Brazos, Texas decided they had had enough of the new dictator of Mexico and declared themselves to be a free nation on March 2, 1836.

Spain had control of what is Texas and Mexico for centuries. Mexico revolted and set up a constitutional government in 1824. But in 1825, Santa Anna, the Saddam Hussein of the 19th century, became dictator of Mexico and used military force to subject all of Mexico, including Texas.

Hispanic and Anglo Texans resisted, and wanting a return to constitutional government declared independence, stating that Santa Anna had forced a new government upon them at the point of a bayonet. Santa Anna massacred freedom fighters at Goliad and the Alamo, but independence was gained at the swampy marshes at the Battle of San Jacinto, when Sam Houston and his boys routed and defeated the invaders.

Texas was an independent nation for 9 years. Some say we are still an independent nation. Then later Texas joined the Union. And, Madam Speaker, the rest, they say, is Texas history.

And that's just the way it is.

□ 1015

EMPLOYEE FREE CHOICE ACT

Ms. SUTTON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 203

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). The gentleman may inquire.

Mr. WESTMORELAND. Madam Speaker, I believe on the opening day of the session, did we or did we not pass House Resolution 6, that was the rules package?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WESTMORELAND. Parliamentary inquiry, ma'am, is how many rules of that standing rules package did this Rules Committee waive in order to do this bill?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry

The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS).

All time yielded during consideration of the rule is for debate only.

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

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

Ms. SUTTON. Madam Speaker, House Resolution 203 provides for consideration of H.R. 800, the Employee Free Choice Act, under a structured rule with 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor.

Madam Speaker, I am so honored to be here to talk about this rule and this bill. There is no fear quite like the fear of losing your job. It is paralyzing, because to fear for your job is to fear for your family, for their well-being and for your ability to provide for them.

I know this fear because I have seen it on the faces of the people who help to make our world turn, the workers who struggle every day to do the jobs we could not live without.

Before I was elected to Congress, I had the honor to serve as an attorney representing many of those workers. And Madam Speaker, when you work as a labor lawyer, unfortunately, often you see people with that fear in their eyes. They come to you because their jobs are being threatened, or worse, because they have been wrongfully terminated because they were attempting to organize a union or promote union activity to improve their lives and the lives of their coworkers.

But it doesn't have to be this way. In this country, employees who actively promote union organizing have a 1-in-5 chance of getting fired for their activities. Every 23 minutes, a United States worker is retaliated against for their support of a union.

In 1958, about 1,000 workers received back-pay awards because their employers violated labor organizing laws. In 2005, over 31,000 workers received back-pay awards.

It is a common tactic of those who oppose workers' rights to cast those who support them as relics of another era. They speak of unions as entities

that were necessary remedies for abuses of a different time, and then they point to the dwindling union membership as evidence that organizing is no longer needed.

But smaller union rolls are a symptom of a larger disease, not evidence of a cure.

The quality of life we know in this Nation was built on the back of the American labor movement. More than half of the United States workforce says they would join a union right now if they could, yet only 12 percent of them are in one.

Less people are joining labor unions, not because less people want to be a part of them; less people are joining labor unions because far too often irresponsible employers have perfected coercive tactics to fight their creation.

Imagine if tomorrow you are taken into a room with your supervisor who sits you down and tells you, if you support organizing a union and the union wins, your business will close down. And then your boss tells you, if the union doesn't win, you will be fired anyway.

The situation is not hypothetical. Research shows us that these threats and intimidation tactics are used to inhibit union organization. It sure may be illegal to fire an employee for voting in support of a union, but it is done anyway. And as things stand today, there are no real repercussions for doing so, because there are no fines or civil penalties for breaking the law.

Let me tell you about a journeyman welder from Northeast Ohio and what he and his family have endured, all because he and others where he worked tried to form a union. His name is Dave, and the company he worked for was intent on keeping the union out. And as you will learn, the company was willing to go to extraordinary and egregious lengths to do it.

So what happened to Dave? Since he began his efforts to help organize, he has been relegated to picking up cigarette butts at company headquarters instead of plying his skill in the field in an attempt to humiliate him.

He has been singled out at captive audience meetings with verbal abuse by his employer that was so bad that Dave feared it would get violent. He has had supervisors make physically threatening remarks to him while he was in inherently vulnerable positions working in the field. And in a particularly reprehensible action, Dave's wife has been targeted for harassment that escalated to such a point that she was hospitalized, all to keep the union out.

There is one thing that is clear, these tactics work. They are effective in suppressing the creation of unions, but they are not acceptable and they must stop.

The Employee Free Choice Act establishes real penalties for employee intimidation by increasing the back-pay award when a worker is fired or illegally discriminated against. It also provides for civil penalties for willful or repeated violations. It will act as a disincentive for such egregious behavior.

Furthermore, this legislation allows employees to unionize when a majority of workers sign cards in support of organizing, and forces the NLRB to recognize that union as a bargaining entity without giving the employer the opportunity to unilaterally veto that decision and demand an election that offers an opportunity for coercion and manipulation.

This bill also continues to give employees the choice to form a union through a traditional secret ballot election as current law does.

Now, let's be clear. It does not eliminate the opportunity for employees to have a secret ballot election. It simply eliminates the opportunity for an employer to require an election by secret ballot after employees have already voted for union representation through their chosen route of card check.

Another important aspect of this bill is that it requires the NLRB to step in and stop illegal behavior when it is happening.

And finally, and equally important, this legislation provides a path towards binding arbitration for first contracts. Right now, in 34 percent of cases a first contract is not reached, they are dragged out with the hopes of employees giving up and disbanding the union.

This law pushes both sides to bargain in good faith. And that is really where we should be going; a world where both employers and employees approach the table with an intention to make a good faith attempt to come to an agreement.

The old paradigms do not need to exist as they once did. I have witnessed partnerships between giants of industry and the workers on the line that have enabled businesses to thrive.

Lessons can be learned from situations where employers have respected their employees' stated desire to form a union through the majority card signing method. Companies like Kaiser Permanente and Cingular. Veering away from anti-union tactics, these employers have focused on and enjoyed success working with their employees, not against them.

Cingular has not stood in the way of its employees forming unions, and the model they have committed to has not stopped them from becoming the Nation's top cell phone carrier.

It doesn't have to be an either/or process, but it does have to be a fair process. And that is what this bill will accomplish.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in strong opposition to this modified closed rule and to the Democrat leadership bringing legislation to the floor of this House which will provide for an unprecedented intimidation of employees by union bosses under a fundamentally anti-democratic process known as ''Card Check.''

Today, the Democrat leadership has scheduled a vote on the most dramatic change to our Nation's labor laws since the Taft-Hartley Act of 1947, which identified and disallowed the most egregious union practices of its day. And every single Member of this body will have an opportunity to answer very plainly and clearly whether they think our economy should be nimble and adaptive to compete with countries that present tomorrow's challenges, or mirror the politics of Europe which will continue to keep our former competitors on the continent from realizing the jobs and the economic growth of the United States. We do not believe the policies of Europe are the way to go.

This legislation will give every single American voter a chance to see whether their Member of Congress supports the private ballots, a right which is given to every single American voter for obvious reasons, or if they support government protection and special treatment for labor unions by silencing one side over the debate of unionism.

Of course, as we watch what is going on today across America, everyone will be tuning in to C–SPAN to watch this debate to see how we are going to answer a number of statements from the majority about how this legislation will provide fairness and will improve conditions for American workers.

What they will not hear from the other side of the aisle is an explanation about why 16 Democrat cosponsors of this legislation previously signed a letter to the Mexican government imploring it to use the secret ballot in all union recognition elections because it would ensure that workers would not be intimidated into voting for a union that they would not have otherwise had.

Madam Speaker, I could argue this sentiment even more. I would like to insert a copy of this letter into the CONGRESSIONAL RECORD, and I doubt that that body will get an explanation from these signatories why they believe it is a matter of fairness that Mexican workers deserve protection from coercion, while American workers do not. We will find out. Perhaps they will take an opportunity to enlighten us later today.

AUGUST 29, 2001.

JUNTA LOCAL DE CONCILIACION Y ARBITRAJE DEL ESTADO DE PUEBLA, LIC. ARMANDO POXQUI QUINTERO,

7 Norte, Numero 1006 Altos, Colonia Centro, Puebla, Mexico C.P. 72000.

DEAR MEMBERS OF THE JUNTA LOCAL DE CONCILIACION Y ARBITRAJE OF THE STATE OF PUEBLA: As members of Congress of the United States who are deeply concerned with international labor standards and the role of labor rights in international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections.

We understand that the secret ballot is allowed for, but not required, by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

We respect Mexico as an important neighbor and trading partner. and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

Sincerely,

George Miller, Marcy Kaptur, Bernard Sanders, William J. Coyne, Lane Evans, Bob Filner, Martin Olav Sabo, Barney Frank, Joe Baca, Zoe Lofgren, Dennis J. Kucinich, Calvin M. Dooley, Fortney Pete Stark, Barbara Lee, James P. McGovern, Lloyd Doggett.

Madam Speaker, the supporters of this legislation will also avoid coming to the floor to explain the fairness of allowing for the certification of unions through card check, but forcing workers who want to decertify their union to go through the same ballot process.

□ 1030

Once again, rather than providing ''fairness,'' it seems like this legislation is providing special consideration and privileges for unions.

Supporters of this legislation will be notable by their silence in today's debate about how intimidating workers through harassment, lies, and fear tactics into signing these cards improves workers' conditions. In fact, sending card check collectors to workers' homes and providing unfair labor practices in order to legitimize a card check campaign, as testified by former union organizers in the only House hearing on this legislation, seems to do exactly the opposite for American workers.

Finally, I fail to see how fining employers who take the initiative to provide improvements in compensation or working conditions during a unionization attempt is about ''improving workplace conditions.'' If this legislation's supporters were supportive of improving working conditions, it would seem like an employer's unenforced offer to improve them would be something that they would obviously support. Perhaps they will enlighten us. I am certainly not holding my breath.

I don't think that the Members of this body or the American voters will hear the explanations for these or other contradictions between the Democrats' bumper sticker slogans and what the bill actually does because this legislation is not about ''providing fairness'' or ''improving workers' conditions.'' It is about shielding unions from competition and stacking the deck in favor of union bosses at the expense of the workers.

It is obvious why union bosses would be pushing for this special consideration when one looks at membership trends over the last 60 years. In 2006, the percentage of employees in unions was 12 percent. This is down from 20 percent in 1983 and 35 percent in the 1950s. Today's increasingly mobile workforce no longer sees the value that unions add to their careers and increasingly resent being forced to pay compulsory dues, which can total thousands of dollars a year, to union bosses that are unresponsive to their needs and increasingly support policies that are counter to their interests.

Let me give one short example from my hometown in Dallas, Texas. Last July the Department of Transportation announced it was opening up a new route to China, and American Airlines, which is based in Dallas/Fort Worth Metroplex, filed a proposal to serve this route from the DFW Airport. Unfortunately for consumers, servicing this flight would have exceeded the flying time cap demanded by the Allied Pilots Association by an average of 15 minutes. Despite having waived this cap a year earlier during negotiations on another route from Chicago to Delhi, India, and despite the fact that this route would have established a new foothold in Asia for America to produce more jobs for members of the union in the future, union bosses for the pilots dug in their heels and cratered the deal.

So an opportunity that meant a great deal to creating more pilots' jobs, and also meant a great deal to the future of an airline fresh off bankruptcy and other employees, travelers, and shareholders impacted by the deal, was stopped by a few bosses in the union leadership who said simply ''no'' and put an end to the entire process.

Madam Speaker, with cases like these, it is no wonder that fewer and fewer Americans believe that unions speak on their behalf and that union bosses must now come hat in hand to the House floor asking Members of Congress to stack the deck in their favor.

I am asking every single one of my colleagues to stand up and oppose this process, this rule and the underlying legislation. This bill is a blatant attack on the free enterprise system as we know it in America today because it is a new government intervention into personal decision-making that allows the deck to be stacked in favor of the union bosses looking to pad their dues-paying membership. It will submit employees to intimidation tactics of hired union guns without regard to improving their working conditions.

Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, before I yield, I would like to remind the gentleman from Texas that this does not eliminate the right of employees to have a secret ballot. They still have that choice. It simply eliminates the practice of employers superseding the employees' will by requiring them to submit to a secret ballot election.

Madam Speaker, I yield 2 minutes to the gentleman, the distinguished member of the Rules Committee, from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Speaker, our American democracy depends on a strong middle class, and our middle class has relied on institutions that support working Americans. The American institution that has done more to strengthen the backbone of our democracy and the rights of American workers is the labor union.

At a time when you would least expect it, the middle-class American is losing ground. Corporate profits are up. Executive pay is up. Productivity of our workers is up. And yet our middle class is under assault. Worker incomes haven't kept pace with rising costs for education, health care, energy, transportation, child care, and housing. We haven't faced greater income inequality since before the Great Depression.

Why is it that as our economy grows and CEOs have unfettered freedom to negotiate lavish contracts, our workers are left behind?

Many believe, as I do, that strengthening the rights and opportunities of workers will increase opportunities for all and strengthen the American economy. Our economy has done best when all share in a stake in its success and all share in its rewards.

Congress can help our workers achieve better wages, benefits, and working conditions. We can help level the playing field. The Employee Free Choice Act is based on the simple proposition that workers should have a protected right to organize when they choose to do so. That right must be straightforward, enforceable, and fair. If a majority of workers sign up for a union, they form a union. It is that simple.

Congress today can play a positive role in promoting the vibrancy of our democracy and helping workers get ahead. Last month we began to do so by raising the minimum wage, making college more affordable, and lowering the cost of prescription drugs. Today we act to protect the rights of workers as they pursue the American Dream.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 5 minutes to the gentleman from the Rules Committee, LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my friend from Texas for yielding the time.

Madam Speaker, I come to this debate as a strong supporter of the right of collective bargaining. I, in my personal experience not only as a lawyer but someone obviously who has been long interested in issues related to our rule of law including the right of collective bargaining, have witnessed examples of coercion in the workplace and many more examples I have witnessed actually coming from management than from labor. And I think that that is unacceptable. As a matter of fact, as I told the distinguished author of this legislation when he appeared before the Rules Committee, I think there are important aspects of this legislation, from my vantage point, that are positive, such as increased enforcement with regard to unfair labor practices that I would like to see move forward and actually could very much support because I think that coercion goes at the heart and attacks, attacks our rule of law in a most insidious manner.

But I also think that the right to the secret ballot is extraordinarily important. And I know that my good friend

Mr. SESSIONS made reference to a letter, which I think is important because the letter deserves not only attention but respect, a letter that was sent by the distinguished author of this legislation and other distinguished Members of this House just a few years ago when there was an organizing campaign going on in the state of Puebla in Mexico, and this letter was sent to the Junta Local de Conciliacion y Arbitraje del Estado of the state of Puebla. I guess that could be translated as the mediation and arbitration board of that state.

And the distinguished signers pointed out not only, and I quote, ''We encourage you to use the secret ballot in all union recognition elections,'' but the letter goes on to say, ''We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union that might not otherwise be their choice.''

Now, it is important to recognize, as I did before, that I think there are more examples of intimidation from management than from unions, but the reality of the matter is that in this life I have never met a saint, much less an angel, and intimidation is a fact of life. And that is why in our human development, our imperfect human development, what we have achieved in terms of the ability for men and women to express their true sentiments is the secret ballot. And current law, by the way, permits, yes, it can be negotiated away. We give great weight and credence in our system to the right to contract, and the right to the secret ballot can be contracted, can be negotiated away. But it has to be mutually agreed to, according to current law, or if it is not mutually agreed to by employer and employees, then according to current law, 30 percent of the employees, if they sign cards, can have an election. So 30 percent of the workers in a unit can, by signing cards, get an election scheduled.

Now, I think we should work on expediting elections by the NLRB, and we should work to make sure that elections for certification are as expedited as they are for decertification. That is another issue that I would like to work with my colleagues on. But I cannot support this legislation which goes to the heart of that most essential aspect of the right of human beings to express themselves in private, which is the secret ballot.

Ms. SUTTON. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR), distinguished member of the Rules Committee.

Ms. CASTOR. Madam Speaker, I thank my colleague, Representative SUTTON from Ohio, who has been fighting her whole career for the hardworking families in Ohio and now in the Congress is fighting for American workers throughout our country.

I am proud to be a cosponsor of the Employee Free Choice Act. This legislation serves as tangible evidence of the new direction being charted by this new Congress under Speaker NANCY PELOSI.

A few weeks ago, this new Congress voted to raise the minimum wage. Well, like the minimum wage, the Employee Free Choice Act demonstrates our values and our commitment to stand beside hardworking men and women against powerful interests. This bill will restore the balance in the workplace and restore the National Labor Relations Act to its original purpose.

It is unfortunate that in the blinding zeal for profits, inordinate profits, for a few, there are unscrupulous employers that stall for time after they learn that employees want to band together to advocate for a better workplace.

□ 1045

Let me give you some real life examples from my part of Florida. One very large Central Florida employer used delays and its insistence on a secretive election to put together a highly structured unlawful campaign of coercion and intimidation. Hundreds of supervisors were trained to conduct scripted meetings with small groups of employees and then the employees were forced to attend meetings replete with promises and threats. Day after day, week after week, the company ground down these folks in this illegal psychological war on employees. This must end.

In another example, one central Florida company used the time waiting for the election to film employees in the workplace and then produce a film that wove in their pictures, their smiling faces, into a virulent anti-union film. In this illegal activity, the employees were forced to watch the film, which was slanted to give the false impression that those employees who had supported the UAW had switched sides. These are real-life examples, but it should not be this way.

The people of America know what has been going on. For too long, powerful special interests have held sway in the halls of Congress. Well, this new Congress in its first 100 days has stood up to these powerful special interests, whether it is raising the minimum wage, standing up to the big drug companies, standing up to the big oil companies.

There is a new day in America, and I am proud to stand today with my hardworking neighbors against powerful interests that would like to keep the act of joining a union more of a risk, rather than a right. I am proud to stand today with our Speaker and this new Congress to chart a new direction for our country.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, it is now March 1, the third month since the Democrat Party took over Congress. For the first 2 months, after campaigning on a platform of reform, after years of complaining about alleged unfair process abuse by Republicans, Americans have been able to watch an unprecedented continued abuse of power in this House.

After the abuse of power during the first 100 hours, we thought the aberration would end. Surely basic voting rights would return. In February, the abuse of power continued. The minority was deprived of basic voting rights through most of February as well.

The American people voted last fall for change. They don't want to hear us complain about process. But process does matter. We are a republic, where we expect a democratic process, minority protections and the right to vote.

Now, to start month 3 of Democrat control, the Democratic Party has brought forth a bill that deprives the American workers of the right to a private ballot. They have moved from abuse of power and undemocratic methods in Congress to applying this abuse of power directly to the American people.

Put yourself in the shoes of an average American worker trying to decide whether they want to vote for or against establishing a union at the workplace. You would get lobbied on every side, but at least you get a private ballot. The bill before us today would deprive you of that private ballot. The card check replaces the vote. If a majority signed the card, there is no private vote. So a friend comes up to you with a card asking you to sign and you say you want to think about it. So a group comes encouraging you to sign, maybe even shunning you if you don't.

But it gets worse. The process called ''salting'' allows roaming union organizers to go from company to company, not as long-term employees committed to keeping the plant profitable and the jobs in the community, but committed to expanding their special interest union. Often they are heavy influencers, sometimes even a thug or two. You may receive visits from them as well.

In the Education and Labor Committee, the Democrats unanimously even voted down an amendment that would have said only American citizens can vote. You now, as an American worker, can have the majority of illegals sign a card and you are now bound to a union.

This bill, because of its overt hostility to business, has unfair stiffer penalties for business than unions for the same violation of the law. We wanted to offer an amendment to equalize the playing field, but Congress was denied the right to vote on this and other amendments.

The Democratic Party seems determined to eliminate the right to fairness and a private vote in union organizing elections and they won't even let Congress have clear votes on many of the amendments to protect the workers. Yet people wonder why some of us refer to them as the Democrat

party rather than the Democratic Party. Their actions speak louder than their words.

Ms. SUTTON. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I rise in strong support as a family member from a strong union background. My father was a shop steward for the Teamsters and my mother was a proud worker for the United Rubber Workers, who worked tireless for 20 and 25 years. Without the health protection we received and the retirement benefits, I know myself and my seven siblings wouldn't be where we are today.

It is important for people to have the ability, especially in this day than a time, when new women, new immigrants, are coming about, and want to be part of the American fabric. One of the ways they can do that is by joining the union, being part of that, to have those protections in place.

When union people get paid good wages, that money stays in the community, it helps to provide a vibrant economy, it helps to also even send their children, like me, who is a child of immigrants and of a union household, to be able to come to college and to eventually even run for office. Wow. Outstanding.

The unions always get a bad name by certain people in this area, but I will tell you one thing: I am very proud to stand with many of our union members to see how they have revitalized many of our communities, especially in Los Angeles.

I ask for you to support H.R. 800.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the distinguished gentleman Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Texas for yielding.

Madam Speaker, I rise in opposition to this modified closed rule today. Although several worthy amendments were offered in the Rules Committee last evening, and I am grateful I will have the privilege to offer one here on this floor later on today, but only three were made in order, and three of those that were not made in order deserve special mention, I believe, here in this rules debate that we are having.

The first would be Representative MUSGRAVE's amendment to repeal those provisions that permit employers to require employees to join or pay dues or fees to a union as a condition of employment, that being the right to work amendment. I have long supported that language, going clear back into the seventies as an employer and a small business owner.

Secondly, Representative EMERSON and I both submitted separate amendments that would exempt businesses employing 50 individuals or less from the legislation.

Third, Representative CHABOT attempted to exempt small businesses by using the Small Business Administration definition.

I have spent my life in small business. I started one in 1975. I met payroll for over 28 years. That is over 1,400 consecutive weeks. I faced the regulations day by day by day, and one of the reasons I stepped into public life was to try to reduce the regulations that are so oppressive to small business.

One of the things that you will realize when you are a small business owner and entrepreneur is that you have to be an expert in all things. You can't have a whole floor of lawyers that are there to sort out all the regulations, and you surely cannot have union members that are in there that are there to organize your employees in a fashion that is unfair.

If you are a small business, and say you have 12 or 15 employees, and I actually saw this happen on a job where there were 18 heavy equipment operators back in the early '70s asked to vote on whether we would go union or not, and I know exactly how every single member of that crew voted today. I can name them. I can tell you how they voted. You know that in that kind of an environment.

We are here without a secret ballot. That is what is taken away from this. I hopefully will be able to offer a motion to recommit based upon that. But that is the Charlie Norwood language that needs to be considered here. There has got to be a secret ballot to protect small employers' employees, especially because the intimidation effect is far greater in a small company than it is in a large company. If I can remember over a period of 34 years how they voted on that vote back on that job in the interstate in Iowa City, then you will know every week how your colleagues are going to vote.

We need to respect the initiative of Charlie Norwood, our good friend. We need to protect small business. We need to exempt small businesses from this. We are not going to get that real debate on exempting small businesses here, Madam Speaker, and that is unfortunate.

I appreciate the fact that this process has been opened up some, but I do think if there is an idea that is good enough that you can present it and say this should be etched in stone for all of America, which this overall bill does, this card check bill, then we ought to at least have the courage of our convictions and debate those convictions here on the floor of the House of Representatives here in the United States Congress. A rule that doesn't allow that then is a rule that tells me the courage of your convictions really aren't there.

Ms. SUTTON. I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, I rise in support of the rule.

Like many of my colleagues who we have heard from today, my family was built on good working class union jobs. My grandfather and great-grandfather worked at Fafnir Ball Bearing in New Britain, Connecticut, and I am, in some sense, the product of that American dream, a dream in which my grandfather's daughter could be the first woman in her family to go to college, a dream in which his grandson could be standing here on the floor of the House of Representatives, fighting for what is right and what is fair in the workplace.

But, Madam Speaker, this disappearing middle-class has no lobby here in Washington, DC. They are not organized as a special interest. And maybe because of this, their interests haven't been very well represented on this floor in the past several years. But things are changing.

Workers who belong to unions on average earn 30 percent more than nonunion workers. They are 63 percent more likely to have health care. They are four times more likely to have pension benefits. But unfortunately, over the years, the rights of these workers to join unions and to bargain collectively with their employers have eroded because of anti-union campaigns, employee intimidation and ineffective penalties for employers who violate worker rights.

Today, we are making standing up for what is right in the workplace a little easier, Madam Speaker. This isn't about making doing business more difficult; this is about strengthening the society in which families like mine were allowed to succeed.

Mr. SESSIONS. Madam Speaker, I would like to yield 5 minutes to the gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee, who argued very strenuously yesterday on behalf of the free enterprise system for America.

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

Mr. DREIER. Madam Speaker, I thank my friend from Dallas for his very able handling of this rule, and I congratulate my friend from Ohio as well.

Madam Speaker, I have to rise in strong opposition to this rule. We were yesterday on the House floor listening to the very distinguished chairman of the Committee on Financial Services argue passionately in support of the need for an open amendment process and how great it is. And yet today we are given a rule that denies 12 of the 15 amendments that were submitted to us.

It is interesting, the bill yesterday that was controversial enough that we had an open rule for it passed by a vote of, I think 423 to zip, 423–0. There was no controversy whatsoever. We had three amendments that we voted on here. But it was an open rule.

Now we have a bill that is slightly controversial. In fact, it is extremely controversial. And yet we have closed down the amendment process, preventing Democrats and Republicans from having an opportunity to participate in this process, as they should.

We, Madam Speaker, when we proceeded with the Rules Committee

meeting last night, my very good friend from Martinez, California, the distinguished chairman of the Education and Labor Committee, Mr. MILLER, proceeded as he was sitting with the distinguished ranking Republican, Mr. MCKEON, at the table, to tell me that I hadn't read the bill and I knew nothing about labor law.

Well, I will tell you this: I admitted at that moment that I had not read the bill. But I have read the bill since that time, Madam Speaker. And I have not become a labor lawyer overnight, but I will say that I have talked to a lot of people who are expert on this issue, and I have come to the conclusion that the sanctity of the secret ballot is something very, very important and very, very precious.

We in the Rules Committee spent a lot of time on the issue of institutional reform and, as we all know, for the first time ever, we got the Federal Government involved in providing Federal resources for local elections. Why? In the wake of the 2000 election, there was clearly a lot of controversy. Especially our friends from Florida raised a lot of understandable concerns.

So the Federal Government got involved and we have put literally billions of dollars into our quest to ensure the sanctity of that secret ballot. Yet at this moment, for this institution, we are embarking on legislation which will take a retrograde step on the very important secret ballot for the American worker.

Obviously, in the last half century we have seen a great diminution in the numbers of people who are in unions today. In the 1950s, roughly 35 percent of the American workers were members of unions. Today, it is something like 7.5 percent. It has dropped dramatically. And that is due to the choice that exists that people have made.

We have a strong economy, a 4.5 percent unemployment rate, growing increasing incomes that are taking place right now, and as we look at the challenge that many union organizations have with the auto industry and other industries, I believe that union control has really played a role in jeopardizing their potential for even greater success.

We got the report yesterday that Tupelo, Mississippi, is going to be the site of a new Toyota plant, 2,000 employees, who will be earning $20 an hour, substantially higher than the wage rates that are paid in other parts of that region, high wage rates for virtually anyone around the country. It is very, very impressive that we are looking at this growth. And there is a sadness that many people have over the fact that the big three auto makers here in the United States are faced with real difficulty.

□ 1100

Well, Madam Speaker, I argue that part of that challenge has been the overwhelming control that unions have had and the union leadership has really jeopardized the opportunity for individual choice for members.

I don't stand alone. Mr. MCKEON just handed me a copy of this morning's Los Angeles Times. I do not always agree with the editorial policy of my friends of what I call my hometown paper, the L.A. Times, but I know them well and try to find areas of agreement. As I say, I don't always agree with them.

But today, they have provided an editorial and I think it is very enlightening. The close of this editorial said: ''Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.''

Madam Speaker, we are undermining that with this legislation that we are about to embark upon here today. I urge my colleagues to oppose it.

The SPEAKER pro tempore. The gentlewoman from Ohio has 14½ minutes remaining. The gentleman from Texas has 7½ minutes remaining.

Ms. SUTTON. Madam Speaker, before I yield to the honorable gentleman from Texas, I would just like to point out to my distinguished friend from the Rules Committee that the sanctity of the secret ballot is preserved in this bill. We have said it before, but the option for employees to have a secret ballot remains. The difference is just that under this bill, the employees cannot be forced by an employer after they have expressed their desire to form a union to submit to a secret ballot to drag things out.

Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

(Mr. AL GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, let's not forget that it was with the help of organized, unionized workers that we acquired the 40-hour work week, that we instilled child labor laws, that we have paid leave, that we have pensions, and that we have health care.

Madam Speaker, in a world where loyalty to workers is becoming an endangered species, the passage of the Employee Free Choice Act helps to level the playing field between industry and workers, and it will give workers a fair chance to organize and fight invidious outsourcing. Our jobs are being taken overseas. We need to have workers on the ground in a position to fight this. It will give workers an opportunity to preserve health benefits and an opportunity to protect pensions.

Workers are the first line of defense when it comes to protecting the standard of living that we have in this country. We must level the playing field and pass the Employee Free Choice Act. I encourage all of my colleagues to do so.

Madam Speaker, I stand here today in support of giving our working men and women a fair chance and a free choice to form a union. As one of 234 cosponsors of this legislation I can confidently tell the men and women who literally make this country run that you are not alone in your fight for higher wages, improved benefits, and better working conditions. I can confidently tell you that we understand that the right to unionize is the right to pursue the American dream.

It is as a result of unions that we can enjoy weekends with our families. It is as a result of unions that we can benefit from basic health and safety protections. It is as a result of unions that we can take advantage of family and medical leave.

Unfortunately, under the current labor law system, employers often use a combination of legal and illegal methods to silence employees who try to form unions. The law says that employers cannot intimidate, coerce, or fire employees for attempting to exercise their democratic rights.

Yet, in reality: Every 23 minutes a worker is illegally fired or discriminated against for their support of a union. 34 percent of employers coerce workers into opposing unions with bribes or special favors. 51 percent of employers illegally threaten to close down worksites if employees vote for union representation. 75 percent of employers hire anti-union consultants to help kill union organizing drives. 91 percent of employers force workers to attend intimidating one-on-one anti-union meetings with their supervisors.

Madam Speaker, some people say that liars figure and figures lie, but I want the American people to hear these figures and decide for themselves whether they believe that American workers should have the right to unionize:

Workers who belong to unions earn 30 percent more than non-union workers. Workers who belong to unions are 63 percent more likely to have employer-provided health care than non-union workers. Workers who belong to unions are 77 percent more likely to have jobs that provide short-term disability benefits than non-union workers. Workers who belong to unions are nearly 400 percent more likely to have guaranteed pensions than non-union workers.

This discrepancy is even more pronounced among women, African Americans, and Latinos:

Women in unions earn $9,300 more a year (31%) than their non-union counterparts. African Americans in unions earn $9,700 more a year (36%) than their non-union counterparts. Latinos in unions earn $11,300 more a year (46%) than their non-union counterparts.

It is astonishing that some would try to prevent some of the hardest working Americans the right to organize at a time when:

The average CEO in the United States makes more than 260 times the pay of the average worker. A CEO earns more in one day than an average worker earns in one year.

We have seen an increase in:

The number of people who are classified as poor (from 32 million in 2000 to 37 million in 2004). The number of low-income households paying more than half their income on housing (from 9.4 million to 11.6 million). The number of Americans who lack health insurance (from 40 million in 2000 to 46 million).

Madam Speaker, I urge my colleagues to hear the voices of our 60 million working brothers and sisters: Who say they want a voice at their workplace, Who say they want a choice at their workplace, Who say they want unions.

I urge my colleagues to join the distinguished Chairman of the Education and Labor Committee, GEORGE MILLER, and vote ''yes'' on the Employee Free Choice Act.

EMPLOYEE FREE CHOICE ACT

SUMMARY

1. Certification on the Basis of Majority Sign-Up. Provides for certification of a union as the bargaining representative if the National Labor Relations Board (NLRB) finds that a majority of employees in an appropriate unit has signed authorizations designating the union as its bargaining representative. Requires the board to develop model authorization language and procedures for establishing the validity of signed authorizations.

2. First-Contract Mediation and Arbitration. Provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS) for mediation. If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration shall be binding on the parties for two years. Time limits may be extended by mutual agreement of the parties.

3. Stronger Penalties for Violations While Employees Are Attempting to Form a Union or Attain a First Contract. Makes the following new provisions applicable to violations of the National Labor Relations Act committed by employers against employees during any period while employees are attempting to form a union or negotiate a first contract with the employer:

(a) Civil Penalties: Provides for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive.

(b) Treble Back Pay: Increases the amount an employer is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract drive to three times back pay.

(c) Mandatory Applications for Injunctions: Provides that just as the NLRB is required to seek a Federal court injunction against a union whenever there is reasonable cause to believe the union has violated the secondary boycott prohibitions in the act, the NLRB must seek a Federal court injunction against an employer whenever there is reasonable cause to believe the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. Authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.

QUESTIONS AND ANSWERS

Why do we need new federal legislation, the Employee Free Choice Act?

America's working people are struggling to make ends meet, and our middle class is disappearing. The best opportunity working men and women have to get ahead is by uniting with co-workers to bargain with their employers for better wages and benefits.

But the current labor law system is broken. Corporations routinely intimidate, harass, coerce and even fire people who try to organize unions—and today's labor law is powerless to stop them. Every day, employers deny working people the freedom to make their own choice about whether to have a union:

Employees are fired in one-quarter of private-sector union organizing campaigns;

78 percent of private employees require supervisors to deliver anti-union messages to the workers whose jobs and pay they control;

And even after workers successfully form a union, one-third of the time they are not able to get a contract.

What does the Employee Free Choice Act do?

It does three things to level the playing field for employees and employers:

(1) Strengthens penalties for companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union;

(2) Brings in a neutral third party to settle a contract when a company and a newly certified union cannot agree on a contract after three months;

(3) Establishes majority sign-up, meaning that if a majority of the employees sign union authorization cards, validated by the National Labor Relations Board (NLRB), a company must recognize the union.

What's wrong with the current law?

The National Labor Relations Act states: ''Employees shall have to the right to self organization to form, join, or assist labor organizations . . .'' It was designed to protect employee choice on whether to form unions, but it has been turned upside down.

The current system is not like any democratic election held anywhere else in our society. Employers have turned the NLRB election process into management-controlled balloting—the employer has all the power, controls the information workers can receive and routinely poisons the process by intimidating, harassing, coercing and even firing people who try to organize unions. On top of that, the law's penalties are so insignificant that many companies treat them as just another cost of doing business. By the time employees vote in an NLRB election, if they can get to that point, a free and fair choice isn't an option. Even in the voting location, workers do not have a free choice after being browbeaten by supervisors to oppose the union or being told they may lose their jobs and livelihoods if they vote for the union.

What is majority sign-up, and how does it work?

When a majority of employees votes to form a union by signing authorization cards, and those authorization cards are validated by the federal government, the employer will be legally required to recognize and bargain with the workers' union.

Majority sign-up is not a new approach. For years, some responsible employers such as Cingular Wireless have taken a position of allowing employees to choose, by majority decision, whether to have a union. Those companies have found that majority sign-up is an effective way to allow workers the freedom to make their own decision—and it results in less hostility and polarization in the workplace than the failed NLRB process.

Does the Employee Free Choice Act take away so-called secret ballot elections?

No. If one-third of workers want to have an NLRB election at their workplace, they can still ask the federal government to hold an election. The Employee Free Choice Act simply gives them another option—majority sign-up.

''Elections'' may sound like the most democratic approach, but the NLRB process is nothing like any democratic elections in our society—presidential elections, for example—because one side has all the power. The employer controls the voters' paychecks and livelihood, has unlimited access to speak against the union in the workplace while restricting pro-union speech and has the freedom to intimidate and coerce the voters.

Does the Employee Free Choice Act silence employers or require that they remain neutral about the union?

No. Employers are still free to express their opinion about the union as long as they do not threaten or intimidate workers.

Will employees be pressured into signing union authorization cards?

No. In fact, academic studies show that workers who organize under majority sign-up feel less pressure from co-workers to support the union than workers who organize under the NLRB election process. Workers who vote by majority sign-up also report far less pressure or coercion from management to oppose the union than workers who go through NLRB elections.

In addition, it is illegal for anyone to coerce employees to sign a union authorization card. Any person who breaks the law will be subject to penalties under the Employee Free Choice Act.

Isn't this law really about unions wanting to increase their membership?

This law is about restoring to working people the freedom to improve their lives through unions.

More than half of people who don't have a union say they would join one tomorrow if given the chance. After all, people who have unions earn 30 percent more than people without unions and are much more likely to have health care and pensions. With a free choice to join unions, working people can bargain for better wages, health care and pensions to build a better life for their families.

With the economic pressures on working people today, the freedom to pursue their dreams is crucially important.

Who supports the Employee Free Choice Act?

The Employee Free Choice Act has the support of hundreds of members of Congress of both parties, academics and historians, civil and human rights organizations such as the NAACP and Human Rights Watch, most major faith denominations and 69 percent of the American public.

(For a detaiIl list of supporters, visit www.EmployeeFreeChoiceAct.org.)

Who opposes the Employee Free Choice Act?

Corporate front groups are waging a major campaign to stop the Employee Free Choice Act. They do not want workers to have the freedom to choose for themselves whether to bargain through unions for better wages, benefits and working conditions. The anti-union network includes discredited groups like the Center for Union Facts, led by lobbyist Richard Berman, who is infamous for fighting against drunk driving laws and consumer and health protections, and the National Right to Work Committee and Foundation, the country's oldest organization dedicated exclusively to destroying unions.

Mr. SESSIONS. Madam Speaker, I would inquire if my colleague has additional speakers. I believe she has about twice as much time remaining as we do.

The SPEAKER pro tempore. Does the gentleman reserve his time?

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

Ms. SUTTON. Madam Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill. It can help working people, and it will send a strong message that we need a National Labor Relations Board committed to fairness in the workplace.

But as I said 2 years ago, I have serious reservations about lessening the role of the secret ballot in union elections. Workers should not be intimidated by pressure from either business or labor in making decisions about organizing a union.

However, it is clear that the NLRB has clearly failed to protect workers from intimidation and union-busting. That is why I support this bill even though it is far from perfect.

And while I support the rule because it allows the House to consider some meaningful amendments, I am disappointed that others were not included. For example, I thought we ought to have made changes to make the procedure for decertifying unions like those for establishing unions. We should also have considered setting deadlines for NLRB decisions.

I would hope those amendments, and others, maybe even a sunset clause, will be considered in the Senate not only because they could improve this legislation but because open debate on amendments might help reduce the divisions and polarization about this bill.

But the House should pass the bill, imperfect though it is, so the Senate can continue the process of reforming our labor laws to better protect workers' rights while also working towards balance, fairness, and objectivity in the way that the NLRB must do its job.

Mr. SESSIONS. Madam Speaker, I yield 4 minutes to the ranking member of the Education and Labor Workforce Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in opposition to this bill and to this rule. The bill we are scheduled to debate today, the so-called Employee Free Choice Act, represents what I believe is the worst piece of legislation I have come across in 20-plus years of public service.

What is wrong with it, let me count the ways.

Number one, it undermines the secret ballot process in the workplace, a process all of us in this House rely upon, treasure, and would fight to defend when it comes to our own political careers, but apparently for some, not when it comes to the rights of workers.

Number two, it leaves workers wide open to coercion and intimidation from those seeking to organize in the workplace. In an Education and Labor Subcommittee hearing last month, a former union organizer described such coercion through a practice organizers call a ''blitz.'' In a blitz, organizers go directly to the homes of workers to get them to sign an authorization card. And how do they find out where these workers live? From license plates and other sources that were used to create a master list.

According to this witness: ''Workers usually have no idea that there is a union campaign under way. Organizers are taught to play upon this element of surprise to get 'into the door.' ''

Number three, it strips workers of their right to privacy in organizing elections and makes their votes completely and utterly public so their coworkers, their employers, and union officials know exactly how they voted.

Number four, not only does it strip workers of their right to vote in organizing elections, but it also strips away their right to vote on contracts as well. Instead, that right is given to a third-party mediator.

Number five, it levies civil penalties upon employers if they coerce an employee during a card check campaign. However, the bill remains silent on coercion from unions, looking the other way and providing tacit approval for such intimidation.

Frankly, Madam Speaker, I can go on and on. In short, this bill is not only undemocratic; it is dangerous. And I will be proud to manage time in opposition to it in just a short while.

When I think about how important secret ballot is, I remember when I first learned about it in grammar school. When we would elect our class officers, we put our heads down on our desk and raised our hand for the person we were supporting because it was important then, just as it is important now, that when we vote, no one knows how we vote.

From those days in elementary school until now, having been elected many times to office, I prize the importance of that secret ballot. And I prize that secret ballot for the workers that are facing intimidation, the possible intimidation from either side, from labor or from management. They should be free of that, and the only way they can be free of that is secret ballot and that is what we are trying to preserve for them at this time.

Yesterday, I appeared before the Rules Committee in support of several amendments that would have made this debate as fair, open, and robust as possible. While I am pleased that they made in order my substitute amendment, this rule before us still is harsh and one that will stifle debate.

Madam Speaker, we had an opportunity to strengthen this debate and address head-on the many flaws of the underlying legislation, but we were denied that opportunity; and as such, I urge my colleagues to join me in opposing this rule.

Ms. SUTTON. Madam Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I thank my friend for yielding and thank her for her great work in shepherding this bill along.

I deeply respect the ranking member of the full committee, and I know his intentions are very sincere, but I think the Members of the House deserve a record that is accurate. Let me review the five points that he made and set forth what the bill actually says.

The gentleman says that the bill does away with secret ballots. That is not the case.

If those choosing to organize a union wish to have a secret ballot, they can follow the same procedure that is in the law now: get 30 percent-plus to sign a petition for a secret ballot, and have one.

The gentleman says that the bill legalizes coercion by unions. That is not the case.

Coercion by a union against a worker is and still will be an unfair labor practice. The bill says if a signature is acquired by coercion and is involuntary, it is not presumably going to be a valid signature and therefore does not count.

The gentleman says that the bill takes away the right of privacy from workers. Not so.

The same process essentially by which people sign petitions under the present law, they would sign cards under the new bill. Perhaps the gentleman should be more concerned about the loss of privacy of workers during campaigns by employers to coerce and intimidate people to vote against the union.

The gentleman says the bill takes away the right to vote on contracts. Absolutely not so.

What the bill says is if there is not an agreement for a contract between management and labor, after negotiation, after mediation, then and only then there would be arbitration. It does not take away the right to vote on contracts.

Finally, the gentleman says that penalties are somehow out of balance, but I think the gentleman respectfully misunderstands.

If in a union-organizing drive the unions are found to have coerced people into signing cards, the cards are invalid and it is the death penalty for the union because they lose the organizing drive. That is the most significant penalty there can be.

We are all entitled to our own opinion; we are not entitled to our own facts.

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

Ms. SUTTON. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. HALL).

Mr. HALL of New York. Madam Speaker, I stand here to support the Employee Free Choice Act because it is necessary.

This bill would not be necessary were the administration and the NLRB neutral in labor relations. However, they are not and have not been. Therefore, I am hearing from my constituents, such as citizens of my district who work for a school bus company which won an election many months ago which has not yet been certified by the NLRB.

While the NLRB is dawdling, there have been 16 consecutive labor charges filed against the union by the management. This company, by the way, is owned by another company in England which is 96 percent unionized in England. So apparently it is good enough for them to have union representation there, but not here.

I speak and vote in favor of my constituent who distributes dialysis equipment and supplies around the New York and Hudson Valley area who was called in for repeated meetings with his supervisors when they learned that he was helping to organize a union drive. Even after the election was won, management filed an appeal and lost.

□ 1115

If it were not for such, I could go on for a long time with stories I have heard in my districts from my constituents, and what I am hearing is about harassment, intimidation, about anti-union propaganda on the lunch table, in the lockers, on the bus seats. Look at the evidence. Look at the disparity in income. Look at the increase in poverty rate and the explosion of wealth at the top of our income scale.

What we are seeing here is the result of a systematic tilting of the playing field. This bill tends to tilt it back towards working families.

Ms. SUTTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

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

I am pleased that after 12 years of not just ignoring the needs of working men and women and their needed labor protections, but actually what we have seen is a concerted, specific program that has undermined those rights, I am pleased to see this legislation come forth today.

I am pleased that the gentleman from California will have the opportunity to put his substitute before us and be able to debate back and forth.

As the gentleman from New Jersey pointed out, there are clear differences of opinion, but the facts are that we are simply strengthening opportunities for working men and women to overcome the serious abuse of the organizing process in this country.

Time after time, we have had examples of where there have been clear cases of unfair labor practices that have undercut the opportunity for men and women to represent themselves. Often they win a sort of hollow victory because long after the fact, there is a slap on the hand for the company that doesn't play by the rules long after the damage has been done.

What we need to do is have an appropriate process that guarantees the rights of working men and women in this country to organize. This legislation provides additional, valuable tools.

I am under no illusion, given the attitude of this administration, and perhaps what will happen in the other body, that this bill which I hope passes today in the House, is going to become law anytime soon. It is however a long overdue signal that people in this House are going to stand up for the rights of working men and women, give them an opportunity to organize, and that we are going to reestablish a level playing field. We will be able to help organized labor, the people who brought us the 8-hour day, the people who brought us the weekend. It is time to allow them the opportunity to extend the rights of organized labor to other folks in the workforce.

One of the first things I did as an elected official was be involved with collective bargaining rights for public employees in Oregon. There were all sorts of dire predictions about what was going to happen, but in fact, what has occurred is that we were able to provide a framework for solving issues that affected people in the workforce.

As luck would have it, later in my career, I was on the other side of the bargaining table, working to represent management, but I never regretted having an aggressive, effective program for organized labor to be able to collectively bargain.

This is the most civilized, effective and appropriate way to resolve workforce issues, and this legislation today is an important step in that direction.

I urge support of the rule. I urge support of the bill.

Mr. SESSIONS. Madam Speaker, Washington is under a barrage of people from all over the country, union organizers, union bosses, the business community, this week talking about this bill. They are talking about this bill because they recognize what it will mean. It is the biggest change since Taft-Hartley in 1947 to the workplace.

I believe that you have heard today a story that this is an attack on the American free enterprise system, but Madam Speaker, I would also say that there are lots of groups that also understand the problems with this bill.

GROUPS IN OPPOSITION TO H.R. 800, THE EMPLOYEE FREE CHOICE ACT

Coalition for a Democratic Workplace, 60 Plus Association, Alabama Chapter of ABC, Alaska Chapter of ABC, Alliance for Worker Freedom, Aluminum Association, American Apparel & Footwear Association, American Beverage Association, American Conservative Union, American Frozen Food Institute, American Hospital Association, American Hotel & Lodging Association, American Meat Institute, American Seniors Housing Association, American Shareholders Association, American Society for Healthcare Human Resources Administration, American Society of Employers, American Supply Association, and Americans for a Limited Government.

Americans for Prosperity, Americans for Tax Reform AMT—The Association for Manufacturing Technology API, Arizona Builders Alliance of ABC, Arizona Hotel & Lodging Association, Arizona IEC, Arkansas Chapter of ABC, Arkansas Hotel & Lodging Association, Arkansas IEC, Asheboro/Randolph (NC) Chamber of Commerce, Ashland & Tri State Area Chapter IEC, Assisted Living Federation of America, Associated Builders & Contractors Heart of America Chapter, Associated Builders and Contractors, Associated Industries of Massachusetts, Atlanta Hotel Council, Automotive Aftermarket Industry Association, Baltimore Metro Chapter of ABC, and Bearing Specialists Association.

BKSH & Associates for National School Transportation Association, California Hotel & Lodging Association, Capital Associated Industries Inc, Carolinas Chapter of ABC, Center for Freedom & Prosperity, Center for Individual Freedom, Center for the Defense of Free Enterprise, CenTex Chapter IEC, Central Alabama Chapter IEC, Central California Chapter of ABC, Central Florida Chapter of ABC, Central Indiana IEC, Central Michigan Chapter of ABC, Central Missouri IEC, Central Ohio AEC/EIC, Central Ohio Chapter of ABC, Central Pennsylvania Chapter of ABC, Central Pennsylvania Chapter of IEC, Central Texas Chapter of ABC, and Central Washington IEC.

Centre County (PA) IEC, Charleston (SC) Metro Chamber of Commerce, Chesapeake Chapter of ABC, Chesapeake IEC, College and University Professional Association (The), Colorado Hospital Association, Colorado Hotel & Lodging Association, Connecticut Business & Industry Association, Connecticut Chapter of ABC, Cornhusker Chapter of ABC, Council for Citizens Against Government Waste, Cumberland Valley Chapter of ABC, Dakotas Inc IEC/Dallas Chapter IEC, Delaware Chapter of ABC, East Tennessee Chapter of ABC, East Tennessee IEC, East Texas IEC, Eastern Pennsylvania Chapter of ABC, Eastern Shore Chapter of ABC, and Eastern Washington Chapter IEC.

El Paso Chapter IEC, Empire State Chapter of ABC, Environmental Industry Associations, Federation of American Hospitals, Florida East Coast Chapter of ABC, Florida First Coast Chapter of ABC, Florida Gulf Coast Chapter of ABC, Florida Restaurant & Lodging Association, Florida West Coast Chapter IEC, Food Marketing Institute, Fort Worth/Tarrant County IEC, Freedom Works, Georgia Chamber of Commerce, Georgia Chapter of ABC, Georgia Hotel & Lodging Association, Georgia IEC, Golden Gate Chapter of ABC, Greater Cincinnati IEC, Greater Columbia (SC) Chamber of Commerce, and Greater Elkhart (IN) Chamber of Commerce.

Greater Houston Chapter of ABC, Greater Raleigh (NC) Chamber of Commerce, Greater Spokane Incorporated, Greater St. Louis IEC,

Guam Contractors Association of ABC, Hampton Roads Chapter IEC, Hawaii Chapter of ABC, Hawaii Hotel & Lodging Association, Heart of America Chapter of ABC, Heating, Airconditioning & Refrigeration Distributors International, Hospitality Association of South Carolina, Hotel Association of New York City, Hotel Association of Washington DC, HR Policy Association, Idaho IEC, Illinois Chapter of ABC, Illinois Hotel & Lodging Association, Illinois IEC, Independent Electrical Contractors Inc, and Indiana Chamber of Commerce.

Indiana Chapter of ABC, Industrial Fasteners Institute, Industrial Supply Association, Inland Pacific Chapter of ABC, International Council of Shopping Centers, International Foodservice Distributors Association, International Franchise Association, International Warehouse Logistics Association, Iowa Association of Business & Industry, Iowa Chapter of ABC, Iowans for Right to Work, Kansas City IEC, Kentuckiana Chapter of ABC, Kentucky & Southern Indiana Chapter IEC, Kentucky Electrical Contractors Association, Keystone Chapter of ABC, Las Vegas Chapter of ABC, Los Angeles-Ventura Chapter of ABC, Lubbock Chapter IEC, and Maine Chapter of ABC.

Maine Innkeepers Association, Management Association of Illinois (The), Maryland Hotel, Motel & Resort Association, Massachusetts Chapter of ABC, MEC-IEC of Dayton, OH, Medical Savings Insurance Company, Metro Washington Chapter of ABC, Mid Gulf Coast Chapter of ABC, Mid Tennessee Chapter of ABC, Mid-Oregon Chapter IEC, Mid-South Chapter IEC, Midwest IEC, Minnesota Chapter of ABC, Mississippi Chapter of ABC, Mississippi Economic Development Council, Montana Chamber of Commerce, Montana IEC, Montana Innkeepers Association, and Motor & Equipment Manufacturers Association.

Nashville IEC, National Alliance for Worker & Employer Rights, National Association of Convenience Stores, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Federation of Independent Business, National Grocers Association, National Lumber & Building Material Dealers Association, National Mining Association, National Petrochemical & Refiners Association, National Restaurant Association, National Retail Federation, National Solid Wastes Management Association, National Stone, Sand & Gravel Association, National Taxpayers Union, Nebraska Chamber of Commerce & Industry, Nebraska Hotel & Motel Association, Nevada Hotel & Lodging Association, and Nevada Manufacturers Association.

New England IEC, New Hampshire Lodging & Restaurant Association, New Hampshire/Vermont Chapter of ABC, New Jersey Business & Industry Association, New Jersey Chapter of ABC, New Jersey Hotel & Lodging Association, New Jersey IEC, New Mexico Chapter of ABC, New Mexico Lodging Association, New Orleans/Bayou Chapter of ABC, New York State Hospitality & Tourism Association, North Alabama Chapter of ABC, North Carolina Chamber of Commerce, North Carolina Restaurant & Lodging Association, North Florida Chapter of ABC, North Texas Chapter of ABC, Northern Michigan Chapter of ABC, Northern New Mexico IEC, Northern Ohio Chapter of ABC, and Northern Ohio Electrical Contractors Association.

Northwest Pennsylvania IEC, Northwest Washington IEC, Offshore Marine Service Association, Ohio Hotel & Lodging Association, Ohio Valley Chapter of ABC, OKC Inc IEC, Oklahoma Chapter of ABC, Oklahoma Hotel & Lodging Association, Oregon IEC, Oregon Lodging Association, Oregon Restaurant Association, Pacific Northwest Chapter of ABC, Pelican Chapter of ABC, Pennsylvania Tourism & Lodging Association, and Plumbing-Heating-Cooling Contractors Association.

Printing Industries of America, Property Rights Alliance, Public Service Research Council, Puget Sound Washington Chapter IEC, Real Estate Round Table, Redwood Empire Chapter IEC, Retail Industry Leaders Association, Rhode Island Chapter of ABC, Rio Grande Valley Chapter of IEC Inc, Rocky Mountain Chapter of ABC, Rocky Mountain IEC, Saginaw Valley Chapter of ABC, San Antonio Chapter IEC, San Diego Chapter of ABC, San Diego North Chamber of Commerce, Sierra Nevada Chapter of ABC, Society of Human Resource Management, South Carolina Chamber of Commerce, South Florida Chapter Inc IEC, and South Texas Chapter of ABC.

Southeast Missouri IEC, Southeast Pennsylvania Chapter of ABC, Southeast Texas Chapter of ABC, Southeastern Michigan Chapter of ABC, Southern Arizona IEC, Southern California Chapter of ABC, Southern California IEC, Southern Colorado Chapter IEC, Southern Indiana Chapter—Evansville IEC, Southern New Mexico IEC, Stuart-Martin County (FL) Chamber of Commerce, Tennessee Hospital Association, Tennessee Hotel & Lodging Association, Texas Coastal Bend Chapter of ABC, Texas Gulf Coast Chapter IEC, Texas Gulf Coast Chapter of ABC, Texas Hotel & Lodging Association, Texas Mid-Coast Chapter of ABC, Texas Panhandle IEC, and Texas State IEC.

Texas Warehouse Association, Texoma IEC, Tooling & Manufacturing Association, Treasure State IEC, Tri-State IEC, U.S. Chamber of Commerce, U.S. Hispanic Chamber of Commerce, U.S. Human Recourses and Ethics Services, Uniform and Textile Service Association, Utah Chapter of ABC, Utah Hotel & Lodging Association, Utah IEC, Ventura Chapter IEC, Vermont Hospitality Council, Virginia Chamber of Commerce, and Virginia Chapter of ABC.

Washington IEC, Washington State Hotel & Lodging Association, WECA IEC, West Tennessee Chapter of ABC, West Texas IEC, West Virginia Chapter of ABC, West Virginia Hospitality & Travel Association, Western Colorado Chapter of ABC, Western Colorado IEC, Western Michigan Chapter of ABC, Western Pennsylvania Chapter of ABC, Western Reserve Chapter IEC, Western Washington Chapter of ABC, Wholesale Florist & Florist Supplier Association, Wichita Chapter IEC, Wisconsin Chapter of ABC, Wisconsin Manufacturers & Commerce Association, and Wyoming Lodging & Restaurant Association.

American Bakers Association, Americans for Prosperity, Fraternal Order of Police, and The Small Business & Entrepreneurship Council.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, February 27, 2007.

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

DEAR MADAM SPEAKER: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong opposition to H.R. 800, the so-called ''Employee Free Choice Act,'' which was favorably reported by the House Committee on Education and Labor.

This ill-named legislation attacks the very meaning of free choice. Without Federally supervised private ballot elections, our democratic process would be extremely susceptible to corruption, and the very foundation of our Republic could be undermined. This bill would do the same thing to our nation's workers by robbing them of their privacy, power and voice in deciding who should represent and defend their rights as employees. The scheme proposed by the legislation would replace the current democratic process of secret ballots with a ''card check'' system that invites coercion and abuse. Under this process, the identity of workers who signed—or refused to sign—union organizing cards would be made public to the union organizers as well as to the worker's employer and co-workers, leaving these individuals vulnerable to threats and intimidation from union leaders, management, or both.

Today, the most common method for determining whether or not employees want a union to represent them is a private ballot election overseen by the National Labor Relations Board (NLRB). The NLRB provides detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without pressure or coercion from unions, employers, or fellow employees. Indeed, law enforcement officers are uniquely susceptible to such pressure. The FOP is an organization run by law enforcement officers for law enforcement officers and without the anonymity of the secret ballot, the FOP would probably not exist today. We would be forced into competition with much larger, much richer unions, but ones without any professional law enforcement background.

The courts have repeatedly ruled that Federally supervised private ballot elections are the fairest method to determine whether a union has the support of a majority of employees. The Fourth Circuit Court of Appeals wrote that ''It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a 'card check.' '' Similarly, the Second Circuit ruled that ''It is beyond dispute that the secret ballot election is a more accurate reflection of the employees' true desires than a check of authorization cards collected at the behest of a union organizer.'' The Sixth Circuit also shared this view, stating that, ''An election is the preferred method of determining the choice by employees of a collective bargaining representative.''

The only way to guarantee worker protection from coercion and intimidation is through the continued use of a Federally supervised private ballot election so that personal decisions about whether to join a union remain private. I urge you and your House colleagues to join us in opposition to H.R. 800 and, instead, continue to protect the rights of the American worker. If I can be of any further assistance on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

One of those groups that opposes this strenuously is the Grand Lodge of the Fraternal Order of Police. They are a union organization, and they note in their letter to Speaker NANCY PELOSI: ''The Fourth Circuit Court of Appeals wrote that, 'It would be difficult to imagine a more unreliable method of ascertaining the real wishes of an employees than a card check.' '' They also note, ''Similarly, the Second Circuit Court of Appeals ruled that 'It is beyond dispute that the secret ballot election is a more accurate reflection of the employees' true desires than a check of authorization cards collected at the behest of a union organizer.' ''

Madam Speaker, this is an assault on a free enterprise system. Today, what we see going on is directly related to the partisanship of a political party winning power and paying back the union bosses for their support for all these years.

This bill, quite honestly, is about tilting the law in favor of those union bosses, not in favor of the workers. We have had person after person who has come and talked about how great this is for workers, how they are going to do things for workers.

I would like to say, Madam Speaker, the prior majority, the Republican Party, for years has been trying to gain health care rights for workers. That is why the Republican Party believes that every single American should get their health care on a pretax basis. But today, what we understand is that the Democratic Party is for that, but you have got to join a union to get it. That is really what this is about. This is about being able to have the things available that unions offer in their argument to make life better for normal, average, working people.

Madam Speaker, I believe that this new majority, the Democrat Party, should offer this same opportunity to every single American, to make their life better, the opportunity to have health care and better working conditions for their own families. We should include in the legislation not just this but the legislation that should be next by this new Democrat majority that says every single worker in America gets their health care by pretax basis.

But instead, what do we do? We go to an attack on the free enterprise system. We beat up the employers who employ people, make us less able to be adaptive and nimble, and make us more susceptible to making sure we will lose jobs overseas.

Madam Speaker, the free enterprise system works. It is alive and well in America today. It has produced the greatest amount of jobs in the history of this country. It is producing more and more revenue that soon will offer us the chance to balance our budget, and yet what do we find today? We find where this new Democrat majority is bringing union bills to the floor of the House of Representatives that will bind the hands of the free enterprise system.

Madam Speaker, I oppose this bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. SUTTON. Madam Speaker, we have made it clear this morning why passing this bipartisan Employee Free Choice Act is so vital for workers and their families all across this Nation.

Let me add that it is also important to the working families like the one I come from in Lorain, Akron, Barberton and other communities in my congressional district and all across Ohio.

I stand before you as a person who practiced labor law but I also stand before you as a person, a daughter of a man who worked in the boilermaker factory his whole life, the wife of a former firefighter, the sister of a teacher, the aunt of a united food and commercial worker, the sister of a steelworker.

This bill is about fairness for those who make the world turn, who provide for their families, who are good citizens that care about their communities.

The EFCA will help end years of discrimination against workers who simply wish to be able to bargain for better wages, benefits and working conditions. We have a moral responsibility to stand up for these workers, and I will not sit idly by while their fundamental rights are being trampled on.

For working families in Ohio and across this Nation, I urge a ''yes'' vote on the rule and on the previous question.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in support of this rule and the underlying legislation.

As a longtime cosponsor of the Employee Free Choice Act, I applaud our Leadership for bringing this bill expeditiously to the floor. American workers from coast to coast are standing up to cheer because their voices no longer fall upon deaf ears in the House of Representatives.

Under this Democratically-controlled House, worker pleas for fairness in organizing are finally being answered.

Consider, over the last 60 years, there have been only 42 instances where union misconduct was found by the National Labor Relations Board. In direct contrast, over 30,000 workers received back pay from employers who illegally fired them for their union activities in 2005 alone.

In my district, I have walked the picket lines with literally hundreds of workers who were wrongfully fired or laid-off for trying to organize a union. Whether it has been at a body armor plant or hospitals and nursing homes as well, I have seen, firsthand, employer intimidation aimed at discouraging union involvement.

This legislation cracks down on intimidation and coercion. It also gives employees the choice—through a public or private ballot process—to decide whether or not they want to organize a union and experience all that one has to offer, including higher wages and better healthcare for its members. Whatever their decision, under this bill, the choice is theirs.

Madam Speaker, when I was a child, my parents took us out of Florida in search of higher wages. Like every other American family, they wanted a better life for them and for me.

When workers seek to organize and take advantage of their collective bargaining rights, they too are searching for an improved life for them and their families. They aren't trying to take advantage of the system or run the company which employs them out of business. All they want is fair pay and benefits for an honest day's work.

The Employee Free Choice Act preserves and enhances the American worker's right to organize. I stand by these efforts and this much needed legislation. I urge my colleagues to do the same.

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

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

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

Mr. SESSIONS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the rule.

The vote was taken by electronic device, and there were—yeas 228, nays 197, not voting 8, as follows:

[Roll No. 112]

YEAS—228

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

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)

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

NOT VOTING—8

Cubin
Davis, Jo Ann
Green, Gene
Hunter
Inslee
Jefferson
Maloney (NY)
McCrery

□ 1152

Messrs. GARRETT of New Jersey, MCHUGH, SULLIVAN, POE and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

Mr. PASTOR changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 112, had I been present, I would have voted "yea."

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

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

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 230, noes 195, not voting 8, as follows:

[Roll No. 113]

AYES—230

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

NOES—195

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

NOT VOTING—8

Cubin
Davis, Jo Ann
Hunter
Inslee
Jefferson
Maloney (NY)
Musgrave
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1201

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CLEAVER). Pursuant to House Resolution 203 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 800.

□ 1202

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, with Ms. ZOE LOFGREN of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. At this time I would like to yield 1 minute to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Madam Chairman, I rise to strongly support this bill. The principle at stake here is the freedom that all workers should have to organize, to bargain for better working conditions, fair wages and real benefits.

There are many employers around the country who honor this freedom. Unfortunately, there are also many employers who do not. These employers attempt to prevent workers from unionizing by using tactics that amount to intimidation and harassment, if not outright firing. In fact, one in five people who try to organize unions are fired. These tactics are already illegal, but the penalties are so minor, they are not effective deterrents.

Even after overcoming these obstacles and successfully organizing, many workers do not see the benefits of unionization for years because employers can drag their feet as in signing a first contract.

The system destined to protect workers' rights needs fixes, and the Employee Free Choice Act is landmark legislation to do just that. I urge my colleagues to support this bill.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

Any time democracy itself is placed at risk, it is the responsibility of each Member of this body to rise in strong opposition. I do so today, and I urge my colleagues to do likewise.

Just under 4 months ago, in 435 separate elections, the men and women we represent in this Congress took part in a democratic process not unlike others that have come before it. Whether on paper ballots or by electronic voting, through absentee ballots, or at the polls on election day itself, they cast their votes and registered their voices. No one was looking over their shoulders when they did it. And unless they chose to discuss it on their own, no one needed to know for whom they cast their ballots ever.

The privacy and sanctity of the secret ballot is the beauty and the backbone of this democratic process. And it is a right, not a privilege, that has become so customary that we probably have grown to take it for granted.

The results of the election led to a change in the majority of this Chamber and on the other side of the building as well. And we have accepted it because we know when the ballots were cast, they were done so in a way we can all trust, privately and secretly, free from coercion. The people spoke, and as we move through this debate today, let none of us forget this: We are standing on this floor, considering this bill, and ultimately casting our votes at the end of the debate because of the power of the secret ballot.

Not one voter signed a card to send us here. None of us sent our campaign workers out to voters' houses armed with candidate information, a stack of authorization cards, a pen and a great, or possibly threatening, sales pitch. No. We trusted democracy. We trusted the voters to cast their ballots like adults, freely, openly, without intimidation, and we live with the results.

So here we are, amazingly, but given the agenda the new majority and the special interests that helped it get here, not surprisingly, poised to advance legislation to kill a secret ballot process enjoyed by many of the same men and women who sent us here last November.

Let's be clear right at the outset. Every American has the right to organize. No one is debating that. Even if some on the other side of the aisle would like this debate to be mischaracterized as just that. This is a right we believe in so strongly we have codified it and made it possible for workers to do in the exact same way they elect their President, their Representatives of Congress, their Governors, their State legislatures, their local government, that is, through a secret ballot.

Think about that. So fundamental and so sacred is the right to organize that we have guaranteed and protected in through the same process we elect our Commander in Chief and the 535 men and women who hold the power of the purse.

Through the last 7-plus decades, that right has remained firmly intact. And in spite of occasional and admitted difficulties for which the law has built-in safeguards, workers have relied upon it.

In the 1950s, about 35 percent of all workers chose to unionize. In the early eighties, that number slipped to about 20 percent. And last year it dipped to 12 percent; and a meager 7 percent in the private sector alone. However, regardless of the percentage of workers choosing to unionize, regardless of upward or downward trends for organized labor, there has been one constant, the right to a private ballot.

That is really what today's debate is all about. That right is squarely in the cross hairs, and this Chamber is about to pull the trigger. Some of us will be tempted to make this a business-versus-labor debate. Others may equate joining the union through a card check to joining the Republican or Democratic Party as if a person doesn't join one of those parties with the intention to vote in secret ballot elections that really count. And still, others may incorrectly claim that the bill before us still provides the right to a secret ballot, a myth put to rest by a Clinton-appointed National Labor Relations Board official in an Education and Labor Subcommittee hearing last month.

Those are all distractions to what is really happening today. Brimming with hypocrisy and bluster, falsely defending free choice and workers rights, an untold number of duly-elected Members of the United States Congress will pull out their voting cards today, cards they are entitled to only because of a secret ballot election held less than 4 months ago and cast an historic vote against workplace democracy and against the secret ballot.

Last month, I took an oath in which I solemnly swore that I would bear true faith and allegiance to the Constitution of the United States. Madam Chairwoman, because of that, I will not be one casting a vote in favor of this bill today. I urge my colleagues also to vote against it.

Madam Chairman, I yield the balance of my time to the gentleman from Minnesota, and I ask unanimous consent that he be allowed to control the time.

The CHAIRMAN. The gentleman from Minnesota will be recognized as the minority manager.

Mr. KLINE of Minnesota. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 3 minutes.

Madam Chairman, Members of the House, my colleague from the other side said that every American is guaranteed the right to organize, and that is what this legislation is about. You have a guaranteed right to organize, but when you do, very often what you find out is you do not get the right to organize on behalf of better wages or a pension plan, or holding onto your health care benefits, or the hours that you get paid at work, or the tension between your family life and work, the kinds of things that people organize for.

In many workplaces, when you exercise your right to organize, you get fired, you get intimidated, you get harassed, you get followed home, your kids get followed to school, people park their cars outside your house. Your work shift has changed, you are on the graveyard shift instead of the daytime shift. That is what you get.

What we are here about today is to redeem what has been in the law for almost 70 years, and that is the law that gives you the right to organize. It says you can either choose to go through an NLRB election or you can choose to have a majority sign-up. But then they inserted in the law many years later the right of the employer to veto that right to majority sign-up.

So what the Republicans are suggesting in their opposition to this bill is that we should take away the choice from those workers that has been in the law for 70 years. So that those people, when a majority of people in a workplace decide that they need to organize their workplace to protect their jobs, to protect their salaries, to protect their pensions, to protect their health care, that they will be able to have that organization come into being.

Today, you get harassed, you get intimidated, you get an election, and after the election, you get appeals. And you get endless bargaining that in our

own State of California, people have been waiting 7, 8, 9 years for a union that they won in an election. Apparently the secret ballot isn't enough to win your full share of democracy, and has not been enough for millions of workers across this country.

So this legislation is very simple, it is only eight pages long. It says the worker gets to choose. That is the basis of American labor law. It is up to the employees to choose their organization and to choose how they want to arrive at that organization. They can choose an NLRB election or they can choose a card check majority sign-up. And we are simply saying, let the law work. Let the employees have the choice. And stop the illegal intimidation of workers.

This last year, 30,000 workers had their pay restored to them because illegal actions were taken against them by employers because those workers did nothing else than exercise what the gentleman on the other side of the aisle spoke to, the right in America to organize. But 30,000 workers lost pay, lost hours at work, got fired. All of those things happened to them. And the year before it was 20,000, 20,000 and 20,000.

This has gone on far too long. It is time to empower the employees to make this choice about their workplace.

Madam Chairman, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, at this time, I am very pleased to yield 2 minutes to the distinguished gentleman from Texas, a member of the Ways and Means Committee, and the former chairman of the Subcommittee on Employer-Employee Relations, Mr. JOHNSON.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Thank you, I appreciate that.

Madam Chair, I rise in strong opposition to the effort to straggle employee free choice. This bill will strip individual workers of their right to vote anonymously when deciding to be involved in a union or not. Taking away this privacy right will subject workers to coercion and abuse.

As the former chairman of the Employee-Employer Relations Subcommittee, I studied this issue for the last 6 years. And I want to tell you this bill will replace private ballot union elections with the interfere card check system. This means that a union could simply organize if a tiny majority of the workers sign a card. When truth be told, a worker might vote differently if given the option of the sacredly held practice of secret ballot. This would dramatically change the way small businesses operate, run from the outside by a union, and would have a devastating impact on the small business community. Card checks can be conducted so quickly that mom and pop employers rarely have a chance to address employees during an organizing campaign, resulting in a one-sided discussion between union and an employee.

This vote is a Democrat way of paying back the labor unions for bankrolling their win in November. Over $2 million to the top Democrats.

Small business owners are trying to live out the American Dream, which just so happens to be fueling our economy.

□ 1215

This bill forces them to do away with the longstanding freedom of voting by secret ballot. We can't let this happen to America.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, the National Labor Relations Board was created to ensure that workers enjoyed the same freedom of association in the workplace that they did in the political arena, to guarantee free and fair union elections. And today the democratic principles in the workplace that built our vibrant middle class are at risk. Instead of holding companies who violate labor law accountable for their actions, the board routinely rules on the side of employers.

In my community we have had several disputes in which a strong, just NLRB would make such a difference: employees at a hospital, a uniform company, graduate teaching assistants at a local university.

The time has come for Congress to reform the NLRB. That is why I support the Employee Free Choice Act. It simplifies the organizing process. It expands remedies for employer interference and intimidation. It commits labor and management to collective bargaining.

This legislation is about standing up for the efforts of working people to improve their lives, honoring their commitment and dedication that they bring to their jobs. It is our core responsibility as government to support the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chairwoman, I am pleased to yield 2 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Chairwoman, here we are back to Orwellian democracy. We are here considering the Employee Free Choice Act, which better is described as the ''Employee Intimidation Act,'' and we are here because it is the number one legislative priority of organized labor, and for Democrats it is the cost of doing business to gain the majority. Big Labor has given their marching orders and Democrats are executing them to a tee.

The ''Employee Intimidation Act'' is incompatible with the interests of workers, individual liberty, and the principles of sound democracy. If this legislation passes, then Congress will effectively be stripping away the protection of secret ballot elections.

Employers and union organizers alike shouldn't fear elections conducted by secret ballot. It is the only manner to protect an individual's choice without subtle or overt coercion. Secret ballots are the cornerstone of democracy.

This card check process is not only biased and inferior; it is also rife with coercion and abuse. In fact, card checks have been challenged on the basis of coercion, forgery, fraud, and peer pressure. Testimony before our committee only three weeks ago revealed the practices union organizers undertake to manipulate the card check system and get employees to sign at any cost, including home visits and workplace intimidation, and granted, yes, intimidation that can occur on both sides, from the employer or from the union.

The intent of this Employee Intimidation Act is to reverse the decline of union membership. Only 12 percent of workers belong to labor unions, down from 20 percent in 1983. But secret ballot elections remain the most effective way to determine the true wishes of the majority of employees at a work site. In fact, Federal courts have ruled that the secret ballot elections are the most foolproof method to determine support. Signing an authorization card in public before employers and the union and fellow employees is often done to avoid offending anyone or getting organizers off one's back. It is not a true gauge of union support, and I urge my colleagues to oppose H.R. 800, the Employee Intimidation Act.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Chairwoman, let me thank the leadership for bringing forth this very important human rights act. Human rights are labor rights; labor rights are human rights. And for the last several years, the only intimidation that has been going on has not been by labor unions but by employers.

Ten employees of the Brinks Home Security Minnesota branch met in secret in 2004 to discuss problems with their employer. They feared for their jobs if talk about a union became public. But they decided a life with a living wage, some health care, and a pension plan was worth the risk. They signed authorization cards to have the IBEW represent them. This was in January of 2005. The National Labor Relations Board certified the IBEW as the employees' bargaining agent. That was on March 16, 2005. Contract negotiations began with Brinks in April, and they have dragged on for nearly 2 years now with no contract in sight.

This is a company with an average monthly income of $27 million. Why should they work for a company who insists on contracts with their customers but not with their own employees?

We need the Employee Free Choice Act to make sure we can get a contract. Thank you, leadership. Thank you very much.

Mr. KLINE of Minnesota. Madam Chairwoman, I am pleased to yield 2 minutes to the distinguished gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Chairman, I thank Mr. KLINE for his leadership in protecting American workers.

Madam Chairman, I rise today in support of Ranking Member BUCK MCKEON's alternative to the misnamed Employee Free Choice Act. Mr. MCKEON's substitute, originally championed by the late Congressman Charlie Norwood, guarantees employees the right to hold secret ballot elections when deciding whether to form a union and prohibits the implementation of a coercive card check authorization.

Just as American voters are free to elect their public officials in secrecy, so should American workers be free to vote for or against union representation. While no one would approve of exposing voters to public ridicule or intimidation at the voting booth, this is exactly what proponents of the Democrat card check bill are seeking to force upon American workers.

Several of our colleagues wrote to Mexican officials in 2001 urging the sanctity of secret ballot elections be upheld. Specifically they penned: ''We feel that the secret ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may not choose otherwise.'' I hope today all of our colleagues adopt the original position of 2001 for a secret ballot.

Evidence suggests that under card check agreements, employees are likely to be coerced or misled or falsely told the forms are nonbinding ''statements of interest,'' requests for an election, or even benefits forms or administrative paperwork. The McKeon alternative will ensure workers are not left vulnerable to this type of arm twisting.

A poll will be released today by the Coalition for a Democratic Workplace demonstrating that 87 percent of Americans believe workers should have the right of a secret ballot. In fact, 79 percent oppose the incorrectly named bill.

I urge my colleagues to join with me in supporting the wishes of the majority of Americans and voting in favor of Ranking Member MCKEON's alternative.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Chairman, 60 days ago I was still a small employer and a member of the chamber of commerce, which I had been for 25 years. And as someone coming from that background, listening to the claims from the other side about stripping workers of their right to a secret ballot or subjecting employers to coercion and duress, I was concerned about my good friends in the small business community who are wonderful people and work every day and have control of their own lives, that somehow we were harming them.

Read the law. Section (c)(1) of the National Labor Relations Act, which guarantees workers the right to a secret ballot election if a ''substantial number,'' only 30 percent, ask for it, is still preserved. It is not being repealed.

Secondly, this bill provides in section 2 that people who have claims of duress, coercion, fraud on the part of union organizers have an avenue, have a remedy with the National Labor Relations Board.

These cards are not the back of a napkin. There will be a process and a procedure which will be fair to employers and to workers.

What this bill is about is restoring balance in the law, which, as the chairman indicated, the facts demonstrate is hurting workers, and it is our job to restore that balance.

Mr. KLINE of Minnesota. Madam Chairwoman, at this time I am pleased to yield 2 minutes to the distinguished gentleman from Florida (Mr. KELLER).

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

Madam Chairwoman, I rise in opposition to H.R. 800.

The secret ballot is absolutely critical to the integrity of the election process. Workers shouldn't be intimidated by corporate executives, labor bosses, or fellow workers. That is why nine out of ten Americans oppose stripping workers of their right to a private vote when determining whether or not to join a union.

Now, let us be honest about what this bill is really about. Union membership is down, Democratic influence is up, and the secret ballot is headed out. I have to admit that I find it very ironic that just months after our Nation went to the polls and voted in secret ballot elections putting our Democratic friends in control of the Congress, they are now in turn trying to strip that very same right away from workers across this country.

I believe that unions have done a lot of good for our society and have played an integral role in establishing and protecting the rights of workers. They have a very proud history and continue to provide competitive benefits, training programs, and workplace protections for millions of workers across the country.

However, this legislation does nothing to level the playing field for a worker trying to determine whether or not to be represented by a union. Rather, it undercuts the law that it was designed to protect workers' rights in and terminates a vital right afforded to our Nation's workforce.

The bottom line is that workers should want to join a union because of the benefits of that union, not because they are scared not to do so. I hope my colleagues will listen to the union workers for whom this legislation is purported to benefit. In 2004 Zogby International polled 70 union members regarding this very issue. Seventy-eight percent of these union workers said that Congress should keep the existing secret ballot election process in place and not replace it with another process.

I urge my colleagues to listen to the rank and file union workers and vote to protect the sanctity of the secret ballot. Vote ''no'' on H.R. 800.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to my friend and colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chairman, I thank my friend for yielding.

Madam Chairman, this is not really about secret ballots or any of the other kinds of red herrings that are being dragged across here. It is about whether we want an even playing field so workers will have the opportunity to protect their rights and interests and advance the American economy. It should be obvious that an individual worker is in a position of lesser influence relative to the employer. Going back now 70 years, the labor relations laws were put together so that there would be an even playing field. Now we need some adjustment in that because there is still not an even playing field.

The track record of unions is clear. Unions help lift working men and women and, in fact, the entire economy. Union members earn median wages that are higher. They have more employer-provided health insurance than nonunion members do. They have better defined benefit pension plans.

Unions benefit workers and benefit society. That is what this is about.

Mr. KLINE of Minnesota. Madam Chairwoman, I would like to yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Minnesota for yielding.

I rise in opposition to this misnamed bill, which should be called the Worker Intimidation Act.

Madam Chairman, the National Labor Relations Act gives the private sector workers the right to join or form a labor union and to bargain collectively over wages and hours. However, this bill would eviscerate the protections for workers choosing to join or not to join a union by eliminating the requirement of a secret ballot system and requiring employees to make their ballots public. This bill strikes a blow to the privacy rights of workers throughout the country and would create opportunities for intimidation and coercion by union organizers and employees.

Whom then does this bill benefit? Certainly not the American workforce, a large majority of which, as cited by the gentleman from Florida, overwhelmingly opposes this bill; nor the

American people. Maybe it is the Mexican workforce. The sponsor of this bill and 15 other Democrats, after all, seek to protect the privacy of Mexican workers in a letter that they sent where they said: ''We understand that the secret ballot is allowed for but not required by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.''

The words of those proposing to support and protect Mexican workers are not willing to do that for American workers. It is a crime.

Madam Chairman, it strikes me as extremely ironic that the sponsor of this bill prefers to uphold the fundamental privacy protections of the Mexican workforce at the same time that he strips American workers of their privacy protections in their jobs here at home.

I urge my colleagues to vote down this bill that amounts to a betrayal of American workers.

Mr. ANDREWS. Madam Chairman, I yield for the purpose of making a unanimous-consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Chairman, I rise today in support of the Employee Free Choice Act.

As President Franklin Delano Roosevelt once said, ''It is one of the characteristics of a free and democratic nation that it has free and independent labor unions.''

Today we are considering legislation that, in the spirit of FDR, would allow workers seeking free and independent labor unions a fair shot. The Employee Free Choice Act would change our current system, one prone to intimidation, harassment and discrimination; into a fairer, more democratic process.

In most cases, to get elected to public office in the U.S.—whether at the Federal, State or local level—you need to win a majority of the votes. Based on this democratic principle, The Employee Free Choice Act provides that when at least 50 percent plus one of the employees decide to form a union, the will of that majority is carried out.

The current system for organizing a union has some very undemocratic components. Under existing law, employers hold all the cards when it comes to the election process for employees to decide whether they want to form a union. The result is often a bitter, divisive, drawn-out process, in which union supporters are frequently spied on, harassed, threatened, strong-armed, and even fired. Surveys show that in 25 percent of elections campaign workers are fired and that 78 percent of the time employers force supervisors to deliver anti-union rhetoric to workers whose jobs they oversee. While this type of coercive action might seem reminiscent of a banana republic, it is happening today in 21st century America.

Madam Chairman, despite the views of some in this body, unions do benefit the working man and woman. Union workers earn 30 percent more than non-union workers; they are 63 percent more likely to have employer-sponsored health care and four times more likely to have guaranteed pensions.

We should be removing undemocratic hurdles impeding the formation of unions, not protecting them.

Since 1935, the majority sign-up process has been available and used by fair-minded employers. It is a tried and true method, having stood the test of time. Making that process mandatory prevents employer abuse and gives workers a fair shot to form a union.

Madam Chairman, our workers need good representation at the bargaining table and unions best provide that leadership. I urge my colleagues to vote in favor of this legislation which would make the unionizing process fairer, more democratic and more representative of the will of the American worker.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to a strong voice for American workers, my friend from Ohio (Mr. KUCINICH).

□ 1230

Mr. KUCINICH. Madam Chairman, I am sure the American people may find it ironic to see a drumbeat here for a secret ballot in the very House of the people where we depend on having our votes for all the world to see.

Workers rights are human rights, and the fight to broaden and increase workers' rights is a fight to bring economic justice and dignity to those who have created the infrastructure, the wealth and the prosperity of our Nation.

In this fight, no tool is more fundamental than the right of workers to organize. Organization is power, and when wielded effectively, the results are obvious. Union members' weekly wages are 30 percent higher than the wages of nonunion members. Sixty-eight percent of union members have a guaranteed, fully insured pension, while only 14 of nonunion workers can say the same. Over three-fourths of union members receive health coverage from their employers. Less than a majority of nonunion workers have that same coverage.

Despite protection in Federal law by the National Labor Relations Act, the right to organize has increasingly come under attack. This is a chance to stand up for the right to organize.

Mr. KLINE of Minnesota. Madam Chair, I yield myself 15 seconds only to point out in response to the gentleman pointing out that when we vote it is displayed on the board, I would remind the gentleman that when we vote it is on behalf of some 700,000 people who have a right to see how we voted. That is different in this case.

Madam Chair, I yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the ranking member.

Madam Chairman, I rise in opposition to this bill. Frankly, I am disappointed that many of the amendments my Republican colleagues and I hoped to offer today were not made in order by the Rules Committee last night.

My amendment would have provided workers the right to have their card returned if they had a change of heart. They don't have that buyer's remorse protection under current law.

There are examples in Louisiana where employees tried to get their cards back, but were informed by a regional NLRB office that they had no authority to require the return of a signed card.

Now, a cooling off period is standard in many areas of business. We allow it for purchases of homes and cars, but my colleagues on the other side of the aisle don't think we should allow it for employees deciding whether or not they want the union as their exclusive bargaining representative in the workplace.

A few years back, a company in South Louisiana, Trico Marine, became the unwilling target of a campaign to organize the vessel personnel who service our offshore oil and gas industry in the Gulf of Mexico. Louisiana is a proud right-to-work state and many hard-working mariners quickly came forward to protest the tactics used by the union. After eight visits, one vessel officers had to have an arrest warrant issued against a union organizer.

But even more troubling, mariners were misled and told that they should sign the cards, and if they had a change of heart, they could vote their conscience in a secret ballot election. But the union's intent from the beginning was to bypass the secret ballot, gain the 50 plus one signed cards, and then publicly pressure the company to recognize them. That attempt failed and the union office has since disbanded. But that is what this legislation allows. It allows a union to gather a majority of signed cards, often under questionable circumstances, and bypass a secret ballot election where workers are free to vote their conscience in private without coercion or outside influence. This example provides some balance to the arguments made by my friends on the other side of the aisle.

And let's be straight, there are bad actors on both sides. But our number one priority here should be protecting the right of all hard-working Americans. If the system is broke, let's work together to fry to fix it. But denying workers the fundamental right to a secret ballot election isn't the answer.

I urge my colleagues to oppose this legislation.

Mr. ANDREWS. I yield myself 15 seconds to respond to the gentleman.

Section 6 of the bill makes it clear that if a card is invalid, it will not be counted, and an employee who asks for his or her card back clearly would be an invalid card.

I am pleased to yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH), a gentleman who has run a successful small business.

Mr. YARMUTH. Madam Chairman, this week, opponents of the Employee Free Choice Act have tried to frame this debate as unions versus workers. I don't think it is working, but what a

miraculous bit of political gerrymandering it would be if it did.

The opponents are trying to create the illusion that somehow unions and workers are on different teams. But the truth is that in today's economy, the only consistent advocate for America's workers, both union and nonunion, have been America's unions.

This bill isn't employers versus employees, and it is certainly not unions versus workers. This is simply Americans for America, because when our working families thrive, all of us benefit.

Therefore, on behalf of not only the employees, who are the backbone of our economy, but on behalf of all our citizens, I urge my colleagues to support the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chairwoman, in the interest of balancing time, I reserve my time.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Chairman, I rise in support of the Employee Free Choice Act. I think it is very important for people listening to know that this piece of legislation does not take away the right for a secret ballot. It adds an additional right and a protection of a card check. In addition to that, even though that is what the other side is focused on, it adds other protections that are necessary to protect a worker's right to organize in this country.

This country is filled with wonderful employers, and certainly my district has about the best employers that you could find anywhere. But there are abuses and there are problems that this piece of legislation addresses.

I have a woman from my district, Anishya Sanders, who is here in Washington this week to tell her story, and let me very briefly tell you about her.

She has worked as a traffic control flagger for 3 years, helping to make sure that everyone gets around construction sites safely. In Las Vegas, that is a big deal, because every road is a construction site. This is a woman who has fought for the right to unionize and we should pass this on her behalf.

Anishya, a single mother of five, has fought to form a union because she needs health insurance so she can take her children to a doctor when they are sick, because she wants to be paid enough to provide for her children's basic needs, and because she wants to be safe at work.

Anishya coordinated the effort that led to a majority of employees at her company choosing to form a union. Instead of respecting the employees' decision, the company fired two workers and has harassed and intimidated Anishya and others. Under the current system, these workers are treated like second-class citizens.

It is up to us to protect workers against the injustice that has been done to Anishya and her coworkers. I urge my colleagues to support the Employee Free Choice Act so that all Americans can freely decide whether they want to organize in order to negotiate for better working conditions.

Mr. KLINE. I continue to reserve.

Mr. ANDREWS. Madam Chairman, I am very pleased to yield 3 minutes to my friend the gentleman from Massachusetts (Mr. TIERNEY), a member of the subcommittee who has worked very hard on this issue for a number of years.

Mr. TIERNEY. Madam Chairman, it is the policy of the United States to encourage the practice and procedure of collective bargaining. It is the policy of the United States to protect the exercise of workers of full freedom of association. It is the policy of the United States to protect their self-organizing and their ability to designate representatives of their own choosing.

You wouldn't think that were true to listen to what we are hearing from the other side. It is the best man-bite-dog story we have heard, and the irony is not lost when people stand up there professing to care about the workers on this, while all the while, the National Labor Relations Act, section 7, protects those rights, and section 8 prohibits a variety of practices, and is not doing a very good job of that.

It would prohibit employers from interfering with or coercing or intimidating or discriminating against employees in the exercise of their rights. It has not been successful in that fact at all.

These protections have not been enough. The reality is when employees want to try to organize a union, one out of every four get fired illegally. Fired. Twenty-five percent of the people for the union activity. Their remedy? Go to court for years and years, and then if you are successful, you might get rehired, you might get some back pay, but, of course, you would have to offset that with whatever you earned in the meantime. Too many employers think that is a pretty good deal, a risk worth taking.

In 2005, 31,000 workers received back pay because of illegal employer discrimination. That should do away with any thought that this is just a minor problem. Over three-quarters, 78 percent of employers in organizing drives forced their employees to attend one-on-one meetings against the union with their own supervisors. There is no ''truth squad'' in there and nobody making sure what they say is fair and balanced. Ninety-two percent of employers force employees to attend mandatory captive audience meetings, again, the union, and three-quarters of employers in organizing drives hire consultants or union busting firms to fight the organizing drive. How naive would we have to be to think that those union busters are in there to make a fair and level playing ground?

The fact of the matter is employers have also been notorious in dragging out the initial negotiations, for years. That is not good faith bargaining as it is supposed to be protected in that Act. They are making a mockery of the National Labor Relations Act, unless we have this bill take effect.

If this were internationally, if we were looking at elections, we would expect that people would be able to have a playing field. We would expect there would be some protection against being pressured to support one particular position. We would expect that there would be some protection against a direction that you vote for a specific candidate. But that is not what is happening here.

Madam Chairman, let me tell you that what we are doing here is simply altering the playing field a bit back to fairness. We have had, for years, the ability that you could either have an election, or you could have an ability to sign a majority of people that you wanted. At some point, a few decades ago, they changed that dynamic and said we are going to let the employer veto that choice.

We are rebalancing this here. We are going to give the choice and the ability to balance back to the worker, so they can choose whether they want an election to indicate their ability to organize or whether they want a majority of people to sign a card. They want that fair process. We need it because their ability to do that protects them, and that is what we should be about.

Mr. KLINE of Minnesota. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Madam Chairman, I rise in strong opposition to this bill. One of the most cherished protections in our democracy is the ability to vote freely and anonymously and without fear of retribution. The bill before us today would take this right from American workers when deciding whether or not to bargain collectively and open the doors to fear and intimidation and coercion.

The underlying bill would hit small businesses particularly hard because they operate in smaller environments. Card checks could cause serious management problems in these smaller environments, because each employee could know how every other employee voted, the results of which could be seriously disruptive for the small business.

This bill would also mandate compulsory, binding arbitration between the employer and the employee, where all decisions would be made through a third party government official. In essence, this means that the fate of a small business owner, the one who has built a company through years of hard work, the one who may have placed every penny earned back into the business, and the one who employs families, friends and neighbors and who contributes to the local economy, in the hands of organized labor and bureaucrats in Washington. Is that fair? No.

I submitted an amendment to the Rules Committee that would have exempted small businesses and protected small business employees from this ill-conceived legislation. Unfortunately, the majority blocked consideration of it on the floor today. They seem intent on limiting debate on this bill, and with a bill this bad, that is understandable.

Madam Chairman, this bill sacrifices the right of American workers to freely determine their future on the altar of big labor, and it dares small businesses to survive after having the rug of independent elections pulled out from under them.

This is a bad bill, and I urge my colleagues to oppose it. It is a very dangerous bill.

Mr. ANDREWS. Madam Chair, I yield myself 15 seconds to respond to the gentleman's point about small business.

The minority was given and has taken advantage of a full substitute here. If the minority had chosen to include the provision in the substitute, it was in their prerogative. They failed to do so.

I am pleased at this time to yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a strong voice for working people in this country.

Mr. DAVIS of Illinois. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, which is designed to level the playing field for those wishing to form and join labor unions.

Thomas Wolfe once said, ''To every man his chance, his golden opportunity to become whatever his talents, ambitions and hard work combine to make him.'' That is the premise of America. And I would imagine if he was alive today, he would just say, to every man and to every woman, their golden opportunities to become.

The ability to join like-minded people in pursuit of fairness, equity and increased opportunities should be the right of all people. This legislation affirms that right and helps to protect the greatest economy in the world, working class Americans who belong to unions.

I agree with those who say that every American has the right to organize. But those rights must be protected, promoted and made real. H.R. 800 does exactly that, I and strongly urge its passage.

Mr. KLINE of Minnesota. Madam Chair, I reserve my time.

Mr. ANDREWS. Madam Chair, I am very pleased to yield 2 minutes to the gentleman from Illinois (Mr. HARE), a new Member of Congress who speaks with authority on this issue and many others.

Mr. HARE. I thank the gentleman.

Madam Chairman, I rise today in strong support of the Employee Free Choice Act, and I appreciate the opportunity to speak on this vital and important legislation.

For 13 years, I cut suits at Seaford Clothing Company in Rock Island. I would not be here today as a Member of the United States Congress if it weren't for my union. My membership in my local union, Local 617, gave me access to higher wages, good benefits and invaluable workplace safety protections. My union helped me send my kids to college, it helped me buy a house and to begin to build a secure retirement. But, sadly, more and more Americans are seeing these opportunities slip away.

□ 1245

Worker productivity is up, but wages are declining. Corporate CEOs are enjoying record profits, yet average workers are struggling to pay their home heating bills, affordable health care, and save for college for their kids.

Current law allows employers to refuse recognition of a union when the majority of employees sign cards saying they want a union. In addition, there are weak penalties for employers who intimidate, coerce or fire workers who try to organize a union or secure a first contract.

The bipartisan Employee Free Choice Act levels the playing field between employer and employee relations by requiring employers to recognize a union formed by a majority sign-up, stiffening the penalties for employers who violate the law, and providing an arbitrator if labor and management cannot agree on a contract.

In closing, let me just say that I chose to join a union. I was able to make it from the cutting room floor of the Seaford Clothing factory to the floor of this Chamber.

I urge Members to give every American that same opportunity by voting ''yes'' on the Employee Free Choice Act.

Mr. KLINE of Minnesota. I yield 2 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Madam Chair, let's be clear about what this act does: it sidesteps a free and fair election process, and it subjects hard-working Americans to coercion and intimidation.

At a time when my hometown is proud to report twice the national average in job growth, job growth in manufacturing, high-tech construction, this bill heads us in the wrong direction.

I want to focus on health care. We have all heard the concerns about a growing workforce shortage in this country. The card check process for unionization further puts health care at risk. It would discourage much-needed health care professionals from entering into the health care field.

I have heard from Ferry County Hospital and from Dayton General Hospital, both small, critical-access hospitals in eastern Washington, that this bill would increase costs and is a slap in the face for collaboration between management and employees.

What is the biggest concern for these hospitals, the undue pressure on their employees. Rich Umbdenstock, who is the president of the American Hospital Association and past president of the former Providence Services in Spokane, Washington, said, ''The hard-working men and women of our Nation's hospitals are entitled to choice.'' I couldn't agree more. They have it right.

Hospital employees should have the same right in choosing their labor representative as they do in choosing their elected representatives.

As eastern Washington's voice in this House, I must object on behalf of individuals and families that I represent. I will vote against this bill in public so as to preserve the citizens' right to do so in private.

Mr. ANDREWS. Madam Chair, it is my pleasure at this time to yield to someone who has walked in the shoes of the people who will be best helped by this act, the gentlewoman from California (Ms. WOOLSEY), 2 minutes.

Ms. WOOLSEY. Madam Chair, actually I am going to speak today as a former human resources manager and human resources professional for over 20 years. I know what it takes to manage competitive and productive workforces; and believe me, I know the difference that paying a decent wage, having health and retirement benefits make in a worker's life, and how work performance is enhanced when workers know that a full workday results in pay that they can actually afford to live on, to raise their family on.

Unfortunately, today workers are facing falling wages, they are facing fewer benefits, and that is a fact that is directly related to the disappearance of our middle class here in the United States of America.

Since union workers earn about 30 percent more than nonunion workers per week, are almost twice as likely to have employer-sponsored health benefits and defined pension plans compared to only one in seven nonunion workers, the ability to organize will make a huge difference in bringing our middle class back.

Madam Chair, H.R. 800 is the prescription that we need to right a weakened middle class, bring it back to health again. I urge my colleagues to support this bill, support American workers.

Mr. KLINE of Minnesota. Madam Chair, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I thank the gentleman for yielding.

The feedback I get from individual workers in my district, they believe that stronger laws are needed to protect the secret ballot election process in the workplace. H.R. 800 would strip away this right from workers, and this is simply unfair.

Removing secret ballot elections is unfair to individual workers because it opens them up to retaliation. By having to publicly express support for or against any measure, this legislation would leave workers vulnerable to coercion and intimidation, and I cannot in good conscience support it.

Secret ballots actually enhance collective bargaining. Because I believe a worker's right to a secret ballot should be protected, I am cosponsoring the Secret Ballot Protection Act. This legislation would guarantee individual workers the right to secret ballot elections and ensure them the right to freely choose whether or not to join a union.

I urge my colleagues to stand up for individual worker's rights, to protect the secret ballot, and to vote against H.R. 800.

Mr. ANDREWS. Madam Chair, it is my honor to yield 1 minute to an individual who has turned the direction of this institution and the country towards the forgotten middle class, the Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chairwoman, I thank the gentleman for yielding, and I thank him for his great leadership, along with Chairman GEORGE MILLER, in bringing this important legislation to the floor.

I proudly rise in support of the Employee Free Choice Act. I salute again the leadership of the committee. This legislation has long enjoyed bipartisan support; it took a Democratic majority to give us a chance to vote on it on the floor.

The Employee Free Choice Act is the most important labor law reform legislation of this generation. But this legislation is about more than labor law: it is about basic workers' rights. It is about majority rule. It is about ending discrimination and harassment in the workplace over organizing, and it is about protecting jobs. Under this bill, when a majority of workers say they want a union, they will get a union.

It is important to note, Madam Chair, that many of the benefits all workers, union members and others, all workers enjoy today are the results of the struggles of organized labor. Their victories have not just benefited union workers, but all workers. Millions of those who have never had the chance to join a union enjoy better wages, safer workplaces, and greater rights because of the battles fought by union members. Unions have helped make America the most prosperous, most productive Nation in the world with a vibrant middle class, so essential to our democracy. Organized labor has helped put America in the lead.

Today, 57 million workers say that they would join a union if they had a chance, to be part of an effort to keep America number one. And many, many hundreds of thousands of employers throughout this country work cooperatively with their unions representing their employees. In fact, this bill is very fair to employers, giving them recourse should they question the validity of the signatures on the card check.

The Employee Free Choice Act puts democracy back in the workplace so that the decision to form a union can be made by the employees that the union would represent. This is a standard right that we routinely demand for workers around the world. And it illustrates not only a respect for workers but a commitment to democracy. We should accept no less a standard here in America.

Many people, including the NAACP, Mexican American Legal Defense and Educational Fund, many religious organizations support this legislation because it is fair. It has been cosponsored by 226 House Democrats. It has the support of 69 percent of the American people.

Democrats believe that we must make our economy fairer, and we began in the first 100 hours by passing the minimum wage bill with a strong bipartisan vote.

Today, we will take the next step with a strong bipartisan vote to ensure that America's working families have the right to organize, because the right to organize means a better future for them and for all of us. It means a future that is economically and socially just. It is that economic and social justice that drew so many religious organizations in support of this legislation, a future where the workplace is safe, a future where retirement is secure.

Madam Chair, every day when we begin the Congress, we begin with a pledge to the flag and how proud we are to do that. And we all take great pride in pledging the flag, to very clearly enunciate ''under God,'' ''one Nation under God, indivisible, with liberty and justice for all.'' That is the pledge we make every morning, and we pledge it under God, liberty and justice for all.

Well, it is I think a disservice to that pledge and a dishonor to God whom we invoke in that, if we don't do in our work here, work that promotes liberty and justice for all. And that is what this bill does. It is about justice for all: all who want to express themselves in a way so they can bargain collectively, so that workers have the strength and the leverage to strengthen our middle class, to reach the fulfillment for their families, to make our democracy stronger.

I believe that this bill, the Employee Free Choice Act, is an honest continuation of the pledge that we make in the morning for liberty and justice for all.

Mr. KLINE of Minnesota. Madam Chairwoman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Madam Chairman, well, renaming things does not change the facts. A few minutes ago we just heard that somehow the Pledge of Allegiance has something to do with banning secret ballots, and that somehow those of us who favor private elections and secret ballots are anti-God. I just simply do not understand the escalation of that rhetoric.

Secondly, one of the senior Members of the other party was just down in the well and said why are we Republicans complaining about a secret ballot, more or less admitting that is what, in fact, they are eliminating, saying that votes are publicly posted. We represent, as Mr. KLINE said earlier, 700,000 people. Think why you wouldn't want your vote posted. Are we heading towards posting in private elections and fall elections where there is no longer the secrecy of the private voting box? If you posted who you voted for, you could be subject to all sorts of discrimination.

The practical fact here, as I said earlier in the rules debate, is an individual is going to be approached to sign his card that would circumvent a secret ballot. Then other people are going to come up to him. Furthermore, through salting, there are likely to be organizers inside that workplace putting further pressure on him. He may get shunned. He doesn't have the right to change his mind. There are all sorts of subtle, indirect, direct, physical, verbal, and business pressures put when you lose a secret ballot. A card is denying the vote. It is denying the secret ballot, and no tricky wording can change the fundamental fact of what is happening here.

I would like to insert into the RECORD a letter from 16 Members of Congress led by the distinguished chairman of this committee, Mr. MILLER, that was sent to Mexico regarding the right to a secret ballot. What he says in this letter, and we have heard it described several ways, that it had to do with a particular question around a particular Mexican election. It states: ''We are writing to encourage you to use a secret ballot in all union recognition elections.'' Apparently what is good for the Mexican worker is not good for U.S. workers.

AUGUST 29, 2001.

JUNTA LOCAL DE CONCILIACION Y ARBITRAJE DEL ESTADO DE PUEBLA, LIC. ARMANDO POXQUI QUINTERO,

7 Norte, Numero 1006 Altos, Colonia Centro, Puebla, Mexico C.P. 72000.

DEAR MEMBERS OF THE JUNTA LOCAL DE CONCILIACION Y ARBITRAJE OF THE STATE OF PUEBLA: As members of Congress of the United States who are deeply concerned with international labor standards and the role of labor rights in international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections.

We understand that the secret ballot is allowed for, but not required, by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

We respect Mexico as an important neighbor and trading partner, and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

Sincerely,

George Miller, Marcy Kaptur, Bernard Sanders, William J. Coyne, Lane Evans, Bob Filner, Martin Olav Sabo, Barney Frank, Joe Baca, Zoe Lofgren, Dennis J. Kucinich, Calvin M. Dooley, Fortney Pete Stark, Barbara Lee, James P. McGovern, Lloyd Doggett.

Madam Chairman, I rise today to speak in opposition to H.R. 800, the so called Employee Free Choice Act.

Madam Chairman, the right to a private ballot is fundamental to a democratic society such as yours. Private ballots preserve individuals' freedom of conscience and protect them against coercion, pressure, and intimidation. Incredibly, however, by allowing workers to unionize through the ''Card Check'' system, the ridiculously-named Employee Free Choice Act would tell American workers contemplating whether to join a union that they don't deserve this cherished democratic right. Indeed, passage of this bill would put an end to workers' ability to freely choose whether they want to unionize, while the opportunities for union organizers to pressure or intimidate workers would multiply considerably.

Furthermore, Madam Chairman, this bill is entirely one-sided. It imposes penalties for unfair labor practices on employers, but does nothing to punish union organizers who coerce workers. This is grossly unfair. Both employers and unions should be harshly penalized for illegally interfering with organizing drives. But in H.R. 800, only employers are singled out for penalties. H.R. 800 exposes workers to increased coercion from organizers, while at the same time muzzling employers with new penalties. This is a shameful inequity and demonstrates an utter lack of respect for those who have driven the recent job growth of our economy. Employers and employees will always have their disagreements when it comes to union organizing, but surely, Madam Chairman, Congress can do better than this.

Federal law simply should not provide endorsement to a process like ''Card Check'' that stifles workers' free speech and undermines the very essence of our democracy—the right of all Americans to think and act with coercion. I strongly oppose this bill, and urge my colleagues to do the same.

□ 1300

Mr. ANDREWS. Madam Chairman, I yield myself 3 minutes.

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

Mr. ANDREWS. Madam Chairman, this bill has the potential, I believe, to do great good for the working people in this country. I believe it has the potential to reenergize the middle class of our country. But I believe the opponents of the bill have grossly overstated the severity and magnitude of the changes that are proposed.

We repeatedly hear the phrase that we are ''doing away with the secret ballot.'' This is false. The bill sets up two mechanisms for people to organize and join a union. The first is to get a majority of those eligible in the bargaining unit to sign a card, at which time there will be an investigation by the National Labor Relations Board. It will determine the validity or invalidity of the cards. If the board determines that a majority of the bargaining unit has signed a valid card, then there is a union recognized.

There is one key difference between this provision in the bill and the law under which we have lived for the last 6 decades-plus. We have had the majority sign-up procedure for more than 60 years, but present law says even if a majority sign valid cards, the employer can arbitrarily veto that choice of a majority. This bill transfers the power from the employer's veto to the employees' majority.

Secondly, if the employees instead wish to organize by pursuing the election path, by getting at least 30 percent to manifest their intention to have an election, then there is an election. It is very important, and we have heard different points about who the union leadership is.

In my district, I will tell you who the union leadership is. They coach baseball teams. They read the epistle at mass. They volunteer in fire companies. They sign up and recruit people for the United Way. They are the first people to show up if there is a fire or a flood. They are the hardworking, basic core of this country.

I know there have been instances of intimidation on both sides, but it is important we look at the record. A group that is strongly opposed to this bill scoured over 60 years of court cases, and in those 60 years, they could find only 42 examples which they chose to highlight where there was a finding of coercion by a union person in an organizing job.

By contrast, in 2005, more than 31,000 workers in 1 year were awarded back pay because it was found that their rights had been violated. Yes, there is coercion on both sides, but the record shows that the coercion has been disproportionately on the management side. That is why this leveling of the playing field is needed.

This bill replaces the employer's arbitrary veto with a valid expression of majority will. It does not eliminate the secret ballot. It eliminates the systemic coercion under which we live today.

Madam Chairman, I reserve the balance of our time.

Mr. KLINE of Minnesota. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, this bill stands for the principle that: Americans should not have a right to a secret ballot, but 89 percent of Americans want their Member of Congress to defend a secret ballot; Americans do not want their votes made public, but this bill stands for the principle that your vote will be made public, despite the fact that 89 percent of Americans want their votes to remain private. In sum, this bill lacks support from 79 percent of Americans who oppose its provisions.

Madam Chairman, the Fraternal Order of Police opposes this bill. The American Hospital Association opposes this bill. Thirty other major organizations oppose it because it is ironic that as we insist on free elections with secret ballots for Afghans, we remove that right for Americans.

I am sorry that over 300,000 Americans dropped their union memberships last year, but this Congress cannot rescue big labor from its own loss of popularity.

Mr. ANDREWS. Madam Chairman, since we have only one speaker at this point, I would reserve my time. I will tell my friend that the majority leader is en route to the floor. We are waiting for him as well, but we simply have the majority leader and the chairman of the full committee left on our side.

I reserve the balance of my time.

Mr. KLINE of Minnesota. We are doing some math here, Madam Chairman. Could you give us, again, the time remaining on each side? We have been trying to keep track of the minutes here, but I have kind of lost a little bit.

The Acting CHAIRMAN (Ms. DEGETTE). The gentleman from Minnesota (Mr. KLINE) has 4½ minutes remaining. The gentleman from New Jersey (Mr. ANDREWS) has 7 minutes remaining.

Mr. KLINE of Minnesota. Would you like to take some of that time now?

Mr. ANDREWS. If the gentleman will yield, I will yield to the majority leader, yes.

Madam Chairman, I am honored to yield 1 minute to the majority leader of the House who has brought this consequential legislation to the floor, my friend from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding.

I want to congratulate GEORGE MILLER, to start out with, as the chairman of the Education and Labor Committee. GEORGE MILLER has been, throughout my career, all 26 years that I have been here, he and I have served together. He has been one of the most courageous, emphatic and faithful speakers on behalf of working Americans that we have in this House.

I want to thank my friend, ROB ANDREWS, who has been an indefatigable advocate of making sure that working Americans had opportunities in our country.

Mr. Speaker, this bipartisan legislation, the Employee Free Choice Act, is simply about establishing fairness in the workplace and providing America's workers with a free choice to bargain for better wages, benefits and work conditions.

I think that is absolutely essential if we are going to stop this growing disparity between the very wealthy and the haves and the increasingly have-nots.

America is a great and strong country because of its middle class. That is shrinking. That is a challenge to our country. This is an effort to address that.

The fact of the matter is the current system for forming labor unions is badly broken and undemocratic. Far too often, employers intimidate, harass, coerce or even fire workers who support a union.

To address this blatant unfairness, this legislation simply allows workers to form a union if a majority signs cards saying they want a union. Under current law, workers may use the majority sign-up process only if their employer agrees.

In contrast, the Employee Free Choice Act would leave this choice, whether to use the National Labor Relations Board election process or majority sign-up, with the employees, not the employer.

It is simply a red herring to claim that the legislation abolishes the NLRB election process. Although I will say as an aside that the delays, the underfunding, the rule complication essentially abolishes in some respects the NLRB's intent. In any event, it does not abolish the NLRB. The NLRB process is still available if workers choose it.

We all know what is really going on here today. It is no secret. The administration and many in the Republican Party have a long-standing, deep-seated animosity toward the organized labor movement, despite the fact that working men and women are the backbone of our economy and have built this country into what it is today.

Now, I am a strong proponent of the free market system. I am a strong proponent of business and those who grow businesses and create jobs. I say all over this country, the Democratic Party is the party of workers. If we are going to be the party of workers, we have to be the party of employers, but we need to make sure there is a balance.

We are not the representatives of either. What we are representatives of is the American people. We need to make sure that it is a fair opportunity.

Over the last 6 years, the administration, among other things, has dropped an ergonomic safety standard, tried to eliminate Davis-Bacon protections, denied collective bargaining rights to Federal employees. 800,000 Federal employees, we have denied bargaining rights, 800,000 Federal employees. Now, there are about 1.8, 1.9 million civilian Federal employees, and we just reached in and said, oh, no, if you are a DOD, Defense Department employee or a Homeland Security employee, you cannot have collective bargaining rights.

I asked the Office of Personnel Management to cite me one instance in the last half a century where collective bargaining rights have put at risk any national security issue. They could not name one in the last half century, not one. I have the gentleman there pointing at himself; I can name you one. Well, this administration's Office of Personnel Management could not.

It is no surprise today that they would oppose this legislation, which seeks to give workers a meaningful choice in selecting their representation and stiffen penalties for discrimination against workers who support a union.

Madam Chairman, hardworking families today are increasingly squeezed by stagnant incomes and the rising costs of education, health care, transportation, food and housing, and there is not an employee who is on even footing as an individual. I say that. Perhaps that is not correct.

I was with Alonzo Mourning just the other day. He is almost 7 feet tall. He may be on equal footing because his employer needs him very, very, very badly, and there may be some few like that, but if you are 6 foot 2 you may not be in that position.

American workers deserve to be fairly compensated for the dedication, loyalty and skill they bring to their jobs, and this legislation will help restore fairness to the workplace.

I urge my colleagues on both sides of the aisle not to be pro-labor or pro-business but to be pro-worker, pro-middle class, pro-growing America. Vote for this bill.

Mr. KLINE of Minnesota. Madam Chair, I yield myself such time as I may consume.

I could not agree more with what the distinguished majority leader just said. This is not about business versus labor. We should all be pro-worker, and I believe that this bill is anti-worker.

I agreed with the distinguished Speaker of the House who said it is about liberty and justice. I would add it is about the American way. It is about the sanctity of the private ballot, the secret ballot. It is about preserving the security of our workers, and make no mistake, despite claims to the contrary, the effect of this bill would be to eliminate the secret ballot and the process of selecting a union. Now, there is a subparagraph in there, 6(c) or something like that, but the effect of this will be to eliminate the secret ballot.

Madam Chairman, let us, today, protect the essence of democracy. Let us protect the American workers. Let us support Mr. MCKEON's substitute and let us oppose this bad legislation.

Madam Chairman, I reserve my time.

Mr. ANDREWS. Madam Chairman, I am pleased to yield 1 minute to the very proactive Member from Texas, my friend, Ms. JACKSON-LEE.

Ms. JACKSON–LEE of Texas. Madam Chair, I thank the distinguished manager and I thank the distinguished speaker, and as well, GEORGE MILLER, the chairman of the Education Committee, for his statement he made just a few weeks ago, how he had seen an absence of recognition of middle class workers in America being addressed in his committee and he was going to address it.

I want my friends to know that the first amendment guarantees the right to freedom of association. That is what the Employee Free Choice Act does in H.R. 800.

Let me thank the president of my local union AFL–CIO, Mr. Wortham, the Secretary/Treasurer of the AFL–CIO, Mr. Shaw and SEIU because I want them to know that my presence with them in the janitorial organizational effort over the last couple of weeks reinforced the importance of this Employee Free Choice Act.

My standing with the old PACE union in front of energy refineries years ago reinforces the need of the Employee Free Choice Act. It is a simple process. All it does is it allows individuals to form unions and to engage in collective bargainig. Without this protection, many union organizers and members would be fired.

I thank the distinguished gentleman, and I ask that this legislation be supported, because middle-class working America deserves this protection.

Madam Chairman, I rise today in strong support, and as a proud co-sponsor of H.R. 800, the Employee Free Choice Act (EFCA). I support this bill because despite several years of economic growth and high corporate profits, middle- and working-class families like the ones I represent in Houston have actually lost ground. They are squeezed between shrinking or stagnating incomes and rising costs for the basic necessities of modern life such as education, health care, transportation, food, and housing. One of the most effective and practical ways of reversing this undesirable trend is to restore the freedom of workers to join together to bargain collectively for better wages, benefits, and working conditions.

Madam Chairman, on average, workers who belong to a union earn 30 percent more than nonunion workers. Members of unions, on average, receive 15 days of paid vacation annually, which is almost 50 percent more than their nonunion counterparts. Union members also fare better when it comes to health care: 80 percent of union members have employer-provided health care; only 49 percent of nonunion workers have the same benefit. And, perhaps most important of all, workers who belong to a union earn on average 30 percent more than nonunion workers.

Madam Chairman, no group or association deserves more credit than organized labor and the trade union movement for the creation and rise of the American middle class, the 5-day work week, the 40-hour work week, the existence of employee pension plans, and many of the other employment benefits which we take for granted today.

The right to form a union is a fundamental human right and an essential element of a free and democratic society. But today, the right to organize and bargain collectively, protections that the National Labor Relations Act was enacted in 1935 to protect, have been so weakened that immediate action is needed to restore them.

The National Labor Relations Act (NLRA) was enacted in 1935 to protect the rights of workers to join unions and to bargain collectively with their employers. Unfortunately, over the years these rights have been dramatically eroded because of aggressive and intimidating employer anti-union campaigns, ineffective NLRA penalties for employers who violate worker rights, and lengthy employer appeals of National Labor Relations Board (NLRB) cases in the courts. As a result, it is now increasingly uncommon for workers to successfully organize by going through an NLRB-conducted election. When workers do choose to be represented by a union, moreover, employers use a variety of legal and illegal tactics to keep the union from obtaining a first contract.

H.R. 800 will help restore the worker protections in the NLRA by: (1) requiring employers to bargain with a union when a majority of workers sign valid authorization cards; (2) providing for mediation and arbitration for a first contract; and (3) increasing penalties for employer violations of the NLRA. I support each of these provisions.

MAJORITY SIGN-UP

Madam Chairman, a large and growing percentage of employers either take advantage of loopholes in the NLRA or simply violate the NLRA to spy on, harass, threaten, intimidate, suspend, fire, deport, and otherwise victimize workers who attempt to exercise their right to act collectively through a union. According to a highly respected Cornell University survey, 36 percent of workers who vote ''no'' in union representation elections explain their vote as a response to employer pressure.

This statistic is not surprising given the intensity of employer anti-union campaigns. According to the Cornell survey, employers illegally fire at least one worker in 25 percent of all organizing campaigns. And 92 percent of employers make their employees attend ''captive audience'' meetings, where they are required to sit through one-sided, anti-union presentations. (Union supporters are given no opportunity to speak.) Also, 78 percent of employers hold repeated closed-door, ''one-on-one'' meetings with workers, which are very intimidating to most employees. In the manufacturing sector, over 75 percent of companies threaten or ''predict'' the workplace will close or move if workers vote for the union.

EFCA requires employers to recognize and bargain with unions when a majority of workers have signed valid authorization cards. With majority sign-up, workers are able to decide for themselves whether they want to form a union, free from the assault of an intimidating employer anti-union campaign, which is generally triggered at the moment a union files a representation petition with the NLRB.

MEDIATION AND ARBITRATION

Madam Chairman, when workers do manage to get over the obstacles to forming a union, they often face employer resistance to negotiating a first contract. With the use of anti-union consultants, delay, and the inadequacies of the NLRA, many employers drag out negotiations for a first contract until one year passes, at which time employees who were active in the ''vote no'' committee file a petition to decertify the union. In fact, 32 percent of workers who demonstrate majority support for union representation lack a collective bargaining agreement one year later. Without a contract as a bar, the decertification often goes forward and the union—seen as weak and ineffective—is frequently voted out.

EFCA provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS). If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute is referred to arbitration and the results of the arbitration are binding on the parties for 2 years. The time limits may be extended by mutual agreement of the parties.

STIFFER PENALTIES FOR EMPLOYER VIOLATIONS

Madam Chairman, the NLRA has woefully inadequate remedies for employer violations. There are no punitive damages. There are no provisions for repeat violators, as there are under the Occupational Safety and Health Act or the Environmental Protection Act. And the limited back pay penalty is so weak that it is in the economic interest of most employers to fire key union supporters to chill an organizing drive.

To rectify this situation, the third prong of EFCA would strengthen the penalties for certain employer violations of the NLRA during an organizing drive or negotiations for a first contract. Specifically, it would: (1) require the NLRB to seek a federal court injunction whenever there is reasonable cause to believe that the employer has illegally discharged an employee or otherwise engaged in conduct that significantly interferes with employee rights; (2) provide for triple back pay when an employee is illegally discharged or discriminated against, and (3) provide for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated employees' rights.

Madam Chairman, these are modest and reasonable but necessary protections if the fundamental right to organize is to be preserved. It is difficult to understand how anyone could be opposed to such sensible legislation. But opponents of H.R. 800 have launched a major campaign to derail the bill. As discussed below, there is little or no merit to any of the major claims being raised to scare and intimidate supporters of the bill.

The Employee Free Choice Act does not abolish the National Labor Relations Board's ''secret ballot'' election process. That process will still be available under the Employee Free Choice Act. The legislation simply provides an alternative means for workers to form a union through majority sign-up if a majority prefers that method to the NLRB election process. Under current law, workers may only use the majority sign-up process if their employer agrees. The Employee Free Choice Act would make that choice—whether to use the NLRB election process or majority sign-up—a majority choice of the employees, not the employer.

The Employee Free Choice Act will not result in intimidation and harassment by labor unions against workers. Research has found that coercion and pressure actually drops when workers form a union through a majority sign-up process. But more importantly, harassment by unions is not the problem. In a study covering a period of more than 60 years, the Human Resources Policy Association listed 113 NLRB cases involving allegations of union deception and/or coercion in obtaining authorization card signatures. A careful examination of those cases, however, revealed that union misconduct was found in only 42 of those 113 claimed cases. By contrast, in 2005 alone, over 30,000 workers received back pay from employers that illegally fired or otherwise discriminated against them for their union activities.

Contrary to the claims of opponents, the Employee Free Choice Act does not require a secret ballot election in order for workers to get rid of a union. Under current law, if an employer has evidence, such as cards or a petition, that a majority of workers no longer supports the union, then the employer is required by law to withdraw recognition of the union and stop bargaining, without an election, unless an election is pending. Under current law, the employer can and must withdraw recognition unilaterally, without the consent of the NLRB. The Employee Free Choice Act would not change this.

The Employee Free Choice Act does not require ''public'' union card signings. Under current law, employees must sign cards or petitions to show their support for a union in order to obtain an election. And, under current law, when an employer agrees to a majority sign-up process, employees must sign cards to show the union's majority status. Signing a card under the Employee Free Choice Act is no different from these card signings under current law.

The union authorization card under the Employee Free Choice Act is treated no differently than a petition for election or a card under a majority sign-up agreement. As with petitions for an election, under the Employee Free Choice Act, the National Labor Relations Board would receive the cards and determine their validity.

Madam Chairman, opponents of H.R. 800 claim the bill is hypocritical because some of its sponsors support secret ballot elections for workers in Mexico, but not in the United States. This is a short horse soon curried. Members of Congress wrote to Mexican authorities in 2001 arguing in favor of a secret ballot election in a case where workers there were trying to replace a sham incumbent union with a real, independent union. The Employee Free Choice Act is consistent with this; it requires an NLRB election in cases where workers seek to replace one union with another union. Indeed, the original framers of the National Labor Relations Act intended elections for precisely those cases where multiple unions were competing—particularly where one was a sham company union and another was a real independent union.

All in all, Madam Chairman, H.R. 800, the Employee Free Choice Act, is good for working- and middle-class families and that means it is good for America. Adopting this legislation is another step in the right direction for our country. A new and better direction is what Americans voted for last November. By supporting H.R. 800, as I do strongly, we are delivering on our promise to the American people.

□ 1315

Mr. KLINE of Minnesota. Madam Chair, I reserve the balance of my time.

Mr. ANDREWS. I am pleased to yield at this time to the new Member from Ohio who knows these issues very well, my friend from Ohio (Mr. WILSON) 1 minute.

Mr. WILSON of Ohio. Madam Chair, today the administration says that our economy is moving. And in my section of eastern Ohio, it is moving, it is moving overseas. The middle class of our country is being left behind. It is time for some much needed fairness and relief to what is going on in our labor movement.

Madam Chair, the Employee Free Choice Act is a step in the right direction. The facts speak for themselves: Workers who belong to unions earn an average of 30 percent more than ones who do not belong. Union workers are also much more likely to have health care and pension benefits and a better opportunity in life.

As our middle class continues to feel the squeeze, it is time that we give workers a fair chance for representation and the benefits they deserve. Right now that isn't happening. The current system is broken. Workers are often denied the right that they need to form a union. Those who take part in legal organizing activities are often

punished. Some even lose their jobs. The Employee Free Choice Act also cuts through the red tape and delays.

Finally, Madam Chairman, the Employee Free Choice Act puts into place another important common sense measure. It provides workers with union representation when a majority of those workers have signed up for union representation. This option doesn't eliminate the existing "secret ballot" election process. It just gives workers another choice in how to select a union.

Madam Chairman, our middle class is hurting. Costs for basic needs like health care and transportation are climbing, but wages are not keeping up. The Employee Free Choice Act helps open up important opportunities for working families, and it brings balance to a system that sorely needs it.

Mr. ANDREWS. With the indulgence of the minority, which we appreciate, I am pleased to yield 1 minute to a member of the committee whose expertise is matched only by her passion in this area, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) 1 minute.

Ms. LINDA T. SÁNCHEZ of California. Madam Chair, I rise in strong support of the Employee Free Choice Act.

The ability to form a union and bargain has been instrumental in helping families reach the middle class. Workers who belong to unions earn more and have better benefits than workers who don't.

The Employee Free Choice Act is about ensuring that workers can join a union. More than half of U.S. workers would join a union if they could.

But to prevent workers from forming a union, 92 percent of employers will force employees to attend anti-union propaganda sessions, and 25 percent will illegally fire at least one employee for pro-union activity.

I learned from an early age how difficult it can be to organize a workplace and also how important unions can be to families. At the factory where she worked, my mother helped lead an effort to organize shop workers and get health benefits and pensions.

Later, I tried my own hand at organizing janitors and home health care workers, and, like my mother, faced staunch opposition from employers. It took the pleas of the religious community to get many workers reinstated.

Current law is simply not strong enough. Management-controlled campaigns, firings, and intimidation are not the hallmarks of the democratic process—but they are the hallmarks of the current system in which employers hold all the power.

I urge a "yes" vote on the Employee Free Choice Act.

Mr. KLINE of Minnesota. Madam Chair, I am now very pleased to yield the balance of our time to the ranking member on the Committee of Education and Labor, the distinguished gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Chairwoman, I thank the gentleman for yielding.

This debate has been exactly as we expected it would be, provocative, passionate, and, yes, quite predictable. After all, the script that was written many, many years ago by special interests chomping at the bit to see this bill come to the floor, and as we near its conclusion they won't be disappointed. They have gotten the payback they have long sought.

When you strip away all the statistics, all the rhetoric, all the letters to foreign governments, and all the talking points, this debate comes down to a basic struggle between those defending democracy and those defending hypocrisy. Those opposing this bill do so because it offends the very concept of democracy itself. It undermines it in the workplace, and it turns its back on those who count on it when they expect to have their privacy protected when it matters most.

On the other hand, those supporting this measure find themselves defending the staggering record of hypocrisy that card check proponents have amassed through the years. They have struggled to explain how a card check is inherently prone to intimidation some of the time, just not all of the time. They have attempted to square their self-proclaimed title of "protectors of the working class" with their support of a bill that strips the working class of one of its most fundamental rights of all, the right to vote. And they have grappled with their staunch support of a bill purported to safeguard free choice when it actually eviscerates it.

The last point is perhaps the most important of all, and on this question, card check supporters never have had a consistent or rational answer: How exactly does this bill protect free choice? When you sign a card, everyone knows how you voted, and right away. Your co-workers, your boss, the union organizers, and the union bosses. Anyone associated with that unionization drive knows exactly how you came down on the issue. And once that vote is exposed for all the world to see, there is no turning back. And that is not free choice, not in this country, anyway.

You know, we have agreed that there could be intimidation from both sides. The secret ballot is the only way to free people from any intimidation.

I would like to conclude by inserting in the RECORD an editorial that was in The Los Angeles Times, not noted for being a conservative newspaper today. They ran an editorial titled, "Keep Union Ballots Secret." Doing away with voting secrecy would give unions too much power over workers. Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.

Vote against this bill today to take away that right of the workers of America.

[From the Los Angeles Times, March 1, 2007]

KEEP UNION BALLOTS SECRET

DOING AWAY WITH VOTING SECRECY WOULD GIVE UNIONS TOO MUCH POWER OVER WORKERS

THE HOUSE of Representatives is expected today to approve a bill, favored by organized labor, whose stated purpose is glaringly at odds with its key provision. The Employee Free Choice Act is portrayed by its supporters as a way to allow workers to choose whether to join a union.

Unfortunately, the legislation would do away with a secret ballot in so-called organizing elections, making it easier for union leaders to pressure co-workers in what should be a free choice. Instead of having the option of insisting on a secret ballot election, employers would have to accept a union formed on the basis of authorization cards signed by workers—not by a secret process.

Unions and their supporters in the Democratic-controlled Congress say the so-called card-check system is the only way to overcome aggressive (and sometimes illegal) anti-union tactics by employers. In announcing support for the bill, Rep. George Miller (D-Martinez) complained that employers often fire workers who seek to organize. Such reprisals are illegal, and part of the Employee Free Choice Act increases the sanctions for employer violations.

Unfair labor practices deserve tougher penalties. But improper influence can work both ways. As a rule, union membership improves worker prosperity and safety. Even so, the bedrock of federal labor law is not unionism under any conditions, but the right of workers to choose whether they want to affiliate with a union.

Obviously, employers shouldn't punish workers for wanting to join a union, float falsehoods in trying to influence an organization election or bar union representatives from the workplace. Just as obviously, the penalties they face for doing so are laughable and need to be strengthened. By the same token, however, supporters of unionization shouldn't be able to pressure unwilling or hesitant employees to join a union. And you don't have to be a critic of unions to recognize that the card-check system invites such abuses.

Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing, and the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot ensures that their choice will be a free one.

Mr. ANDREWS. Madam Chair, I am pleased to yield the balance of our time to someone whose diligent efforts are about to pay off with a victory on this vote, the chairman of our committee, the author of the bill, our friend from California, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I thank all of my colleagues who participated in this debate.

At a time when the middle class standard of living in America for millions of Americans is at greater risk than at any time in recent history, at a time when people see employers arbitrarily terminating their pensions, freezing their pensions, shifting the cost of their health insurance, cutting the benefits under health insurance; at a time when they see that they have no new money to take home in their wages, that their wages have been flat;

at a time when CEOs are awarding themselves golden handshakes, golden parachutes, and golden hellos, worth hundreds of millions of dollars, at that time at that moment we have an opportunity here to redeem a provision of the law which has been in the law for 70 years to simply give the workers a choice. They can choose an NLRB election, or they can choose a majority signoff.

That is a simple choice that these adults in the workplace can make. It is a choice that was given to them 70 years ago, and it was a choice that later was taken away by a veto of the employer.

Imagine, a majority of the Americans get together and they do something and one person gets to veto it. One person gets to veto it in the workplace. Think of what the relationship is between that employer and those employees. Think about how those employees must have felt that they needed to organize in the workplace, because employees know that they do if they are going to stop the trend and the bleeding that they see today, against the benefits that they have at their workplace, against their salaries, against their hours at work, against their right to a retirement nest egg that means something.

Every day you pick up the business journals of this country and you read where again another employer has terminated a pension, has restricted the pension, won't pay into the pension, puts the pensions into bankruptcy. You want to know why people need card checks? People need card checks so they can have the freedom of choice to choose do they want an election, do they want a card check. It is in the National Labor Relations Act today, it is the law, but for the veto, the veto of the employer.

How more arbitrary can you possibly get that a single employer could override the desires of a majority of the employees in its workplace? How more arbitrary can you get? It is the same arbitrariness those employers show when they cut your health care benefits and your pensions and your retirements without any say by the employees, without any negotiations. That is why millions of Americans want representation at work, so that they can have a voice in that workplace, they can have a voice in their future, they can have a voice in whether or not they are going to be able to buy a home, buy a car, educate their children, have a health care policy that they can afford that will be there when they need it.

That is what this is really about. This is about whether or not we are going to strengthen and help maintain and grow the middle class in this country. Because it is not happening under the arbitrary policies that are imposed on workers today by their employers. This Employee Free Choice Act gives the workers that choice, the choice that is currently in the law.

I urge my colleagues to vote in support of this legislation when it comes time for passage. Again, I thank all my colleagues for participating in this debate, I thank the Chair for the courtesy they have shown both sides.

Madam Chairman, We all know that workers in the U.S. are among the most productive workers in the world. Yet for far too long, they have not been reaping the benefits of their hard work.

For years and years now, many workers have found themselves working harder and harder just to stay in place. And many more have been losing ground financially despite their work.

This is troubling enough on its own. But what makes it even more troubling is that, over the last several years, our economy has been growing. The stock market is doing well. Corporate profits are high.

Consider the facts.

Since 2001, median household income has fallen by $1,300. Wages and salaries now make up their lowest share of the economy in nearly six decades.

The number of Americans who lack health insurance has grown by 6.8 million since 2001, to 46.6 million, a shocking record high.

The number of Fortune 1000 companies that have frozen or terminated their pension plans has more than tripled since 2001.

Indeed, the middle class itself has shrunk. Over 4 million more Americans have joined the ranks of the poor since 2001.

And meanwhile, corporate profits make up their largest share of the economy since the 1960s.

Madam Chairman, there are a lot of explanations for the growing inequality in our economy. Congress' failure to raise the minimum wage for 10 long years is an obvious example. But perhaps the most significant explanation is that workers' rights to join together and bargain for better wages, benefits, and working conditions have been severely undermined.

Today, when workers want to form a union, their employers can force them to undergo a National Labor Relations Board election process. That process is broken, because it allows irresponsible employers to harass, coerce, intimidate, reassign, and even fire workers who support a union.

Take the example of Ivo Camilo. Mr. Camilo is from Sacramento, not far from my district. For 35 years, he worked at a Blue Diamond Growers plant in Sacramento. In 2004, he and several dozen coworkers sought to form a union. For that, Mr. Camilo was fired. After 35 years of service, Blue Diamond tossed Mr. Camilo out on the street, just because he wanted a union.

The same thing happened to Keith Ludlum when he supported union representation for him and his coworkers at a Smithfield foods plant in Tar Heel, North Carolina. Mr. Ludlum, a veteran of the first Gulf War, was fired in 1994 because he wanted a union. It took him 12 years of litigation to get his job back.

What happened to Mr. Camilo and Mr. Ludlum happens with distressing frequency in this country. In 2005 alone, over 30,000 workers were receiving back pay from employers that had committed unfair labor violations.

Earlier this year, the Center for Economic and Policy Research estimated that employers fire one in five workers who actively advocate for a union. A December 2005 study by American Rights at Work found that 49 percent of employers studied had threatened to close or relocate all or part of the business if workers elected to form a union.

And Human Rights Watch has said, "[F]reedom of association is a right under severe, often buckling pressure when workers in the United States try to exercise it."

Corporate executives routinely negotiate lavish compensation packages on their own behalfs, but then they deny their own employees the ability to bargain for a better life.

This debate is about restoring workers' ability to choose for themselves whether or not they want a union. To make that happen, the Employee Free Choice Act does three things.

First, it says that when a majority of workers sign cards authorizing a union, they get a union. The legislation requires the National Labor Relations Board to develop model authorization language and procedures for establishing the validity of signed authorizations.

The legislation does not take away workers' ability to have a National Labor Relations Board election instead of majority sign-up if that's what they want. It gives them the choice. If 30 percent sign cards saying they want a union and petition the Board for an election, they get an election. But, if a majority of workers sign cards saying they want a union and they want recognition now, they get a union.

This majority sign-up is not a new idea. Under current law, when a majority of workers sign cards authorizing a union, then they can have a union if their employer consents to it. But instead of consenting, employers often reject the employees' choice and force them through an NLRB election process that is dramatically tilted in the employer's favor. The Employee Free Choice Act would simply take this veto power away from employers. Under current law, it's the employer's choice that matters. Under the Employee Free Choice Act, it's the employees' choice that matters.

Majority sign-up has a proven track record for reducing coercion and intimidation. In cases where responsible employers, like Cingular Wireless, have permitted their employees to form a union through majority sign-up, both sides have praised the process for increasing cooperation and decreasing tension.

Second, the legislation increases penalties against employers who fire or discriminate against workers for their efforts to form a union or obtain a first contract.

Under current law the National Labor Relations Board is required to seek a federal court injunction against a union whenever there is reasonable cause to believe that the union has violated the secondary boycott prohibitions in the National Labor Relations Act.

Under this legislation, the Board must seek a federal court injunction against an employer whenever there is reasonable cause to believe that the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees, or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. The legislation authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.

Employers found to have discharged or discriminated against employees during an organizing campaign or first contract drive must pay those workers three times back pay, instead of the simple back pay required under current law. Employers found to have willfully or repeatedly violated employees' rights during

an organizing campaign or first contract drive would receive civil fines of up to $20,000 per violation.

Under current law, remedies are limited solely to make whole remedies: back pay (minus any additional interim wages the employee did or should have earned), reinstatement, and notice that the employer will not engage in violations of the National Labor Relations Act. Many employers conclude that, even if caught, it is financially advantageous to violate the law and pay the penalties rather than to comply.

And third, the legislation provides for mediation if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days. After 30 days of mediation the dispute would be referred to binding arbitration. Under current law, employers have a duty to bargain in good faith, but are under no obligation to reach agreement. As a result, a recent study found that 34 percent of union election victories had not resulted in a first contract.

Madam Chairman, we have heard a lot of shamefully misleading claims from the critics of this bill. Those critics claim that they have workers' best interests at heart, and that they are trying to protect democracy.

Yet their claims are belied by the fact that some of the nation's leading workers' rights and prodemocracy organizations support this bill, including Human Rights Watch, Interfaith Worker Justice, and the Drum Major Institute—among many, many others.

These are organizations that are dedicated to the mission of improving the lives of American workers. I can tell you that if this bill would do the kind of harm that its critics claim it would, then these respected organizations would not be supporting it today.

I want to close by just reminding people how much is at stake here.

We can continue on our nation's current path, where our society grows more and more unequal and polarized. If we stay on the same path, then our middle class will keep getting squeezed, and will struggle to pay for just the basic necessities of life, like housing, healthcare, education, and transportation.

We can stay on that path, or we can go in a new direction. We can ensure that every American worker gets his or her fair share of the benefits of a growing economy.

To strengthen America's middle class, we have got to restore workers' rights to bargain for better wages, benefits, and working conditions.

After all, union workers earn 30 percent more, on average, than non-union workers. They are much more likely to have retirement and health benefits and paid time off.

I urge all of my colleagues to support H.R. 800 so that we can finally start to reverse the middle class squeeze and create an economy that benefits all Americans.

Mr. KENNEDY. Madam Chairman, today, the House of Representatives took a long awaited step toward improving the lives of America's working-class and middle-class families. For far too long, the playing field has been tilted against workers and the unions that represent them. Today's House passage of the Employee Free Choice Act, which I strongly supported, will help balance the inequity in the relationship between management and workers; an inequity that management has far too often used to stifle the will of workers.

An objective review of the recent history of labor relations in this country shows that in the majority of cases employer coercion, intimidation, and harassment have been used as tools to manipulate and successfully thwart union organizing drives.

Workers are often fired or otherwise discriminated against because of their efforts to organize. One out of every four employers illegally fire at least one worker for union activity during an organizing campaign; 78 percent of employers force their employees to attend one-on-one meetings with their supervisors to hear anti-union messages; and 92 percent force employees to attend mandatory, captive audience anti-union meetings.

Clearly, even when a solid majority of employees have requested employer recognition of union representation, the more likely reaction of management has been to launch repressive anti-union campaigns rife with illegal tactics.

During the minority party's 12 years of power in Congress, and now 6 years in the White House, case after case of illegal employer intimidation leveled against union organizing efforts would arise. That little was often done in response only encouraged impunity among the forces opposed to negotiating with workers in good faith.

Now, is the Democratic Party's turn to hold the reins of power in this institution, and with this legislation, the Democratic majority demonstrates its unyielding commitment to workers' rights and a decent life for all working Americans and their families.

Mr. ETHERIDGE. Madam Chairman, I rise in support of H.R. 800, Employee Free Choice Act, and I urge my colleagues to join me in voting in favor of it.

I support the Employee Free Choice Act because I believe in protecting America's workers and their rights in the workplace. The National Labor Relations Act of 1935 was landmark legislation that allowed workers to organize and bargain collectively. These rights need to be safeguarded for the benefit of our working men and women who make up America's middle class. However, in a time of economic growth and high corporate profits, these middle class families have actually lost ground. Ensuring their freedom to join together and bargain for better wages, benefits, and working conditions is crucial to improving their plight in today's economy.

H.R. 800, Employee Free Choice Act protects workers in several ways. The bill increases penalties for employers who violate the National Labor Relations Act while employees are attempting to organize. It enables both the employer and the union to seek arbitration and mediation during talks for their first contract. Finally, H.R. 800 allows workers to form a union if the National Labor Relations Board finds that a majority of workers have signed authorizations to designate the union as their bargaining representative. This "card check" process means workers can still choose to unionize through the current secret ballot method if they wish, but they also would have an avenue that is more protected from intimidation and manipulation from employers who act in bad faith.

In addition, I oppose any amendments designed to weaken this bill. The substitute amendment presented by Representative MCKEON would strip the Employee Free Choice Act of its original intent. The amendment would prohibit employers from recognizing a union despite a majority of workers signing authorization cards. The amendment introduced by Representative STEVE KING would outlaw the organizing tactic known as "salting." The Supreme Court has expressly upheld this practice under the National Labor Relations Act. In addition, the amendment presented by Representative FOXX concerning "Do Not Call List" would have the effect of cutting off communication between organizers and workers. It could be too easily used as a tool by unscrupulous companies to pressure employees.

I urge my colleagues to join me in voting for H.R. 800, Employee Free Choice Act and protecting the rights of our working men and women.

Mr. SMITH of New Jersey. Madam Chairman, I rise in support of H.R. 800, the Employee Free Choice Act to allow America's workers to make their own free decisions about whether or not they want to freely associate and form unions.

H.R. 800 is designed to tighten rules and regulations and close labor law loopholes that have been either manipulated or exploited by those seeking to stifle or defeat organizing efforts through methods other than open and transparent debate. Employers have increasingly hired consultants to file motions and appeals aimed at delaying elections that could be easily certified by the National Labor Relations Board (NLRB). These delays have frequently resulted in denial of workers' rights. If the system were not in disrepair; if the NLRB was working as intended, this legislation would not be necessary. Unfortunately, the system is broken and we must act to repair it.

Accordingly, H.R. 800 will replace the current two-step process that now requires 30-percent of employees to sign a card followed by an NLRB election, with a simpler, fairer single step process. Under the bill, a majority of employee signatures, 50 percent plus 1, on an authorized card establishes a designated union as the official bargaining unit. My state of New Jersey has already implemented an Employee Free Choice Act for its public employees; H.R. 800 would do so for everyone in the Untied States.

Employers utilize union busting consultants more than 80 percent of the time, and use delaying tactics that can prevent any final decision for years. Moreover, the NLRB is less prepared to handle the legal dealings than it was 20 years ago. At last count, the staff is only about one-third the size of what it was in the early '80s.

In addition to reforming the process, H.R. 800 would also impose new and increased penalties for unfair labor practices, including higher civil penalties such as a $20,000 fine for each violation of coercion.

Recently at Rutgers University in New Jersey attempts were made to discourage the organization process. For example, emails sent from the Human Resources Department for

the employees stated in part ''we believe the facts strongly support the conclusion that union representation would not benefit you, and we will be providing important information that supports our belief.

Fortunately, a neutrality agreement, currently in force, was signed on January 25, 2007. It forbids all anti-union campaigning on behalf of the University and prevents the University from making disparaging remarks about the union, and discussions on the question of unionization are permitted at work as long as they do not disrupt educational functions. I want to commend President Richard McCormick for signing a comprehensive neutrality agreement.

Coercion of any kind is now expressly forbidden by either the University or the American Federation of Teachers (AFT). Rutgers is forbidden from holding captive audience meetings, one-on-one meetings, and the University can't question or monitor employees about unionization. The organization process at Rutgers is now working. One study shows that 91 percent of employers force employees to attend anti-union briefings and meetings. This is not expected to happen at Rutgers.

Pursuant to the neutrality agreement and relevant law, no employee can be subjected to any intimidation, threats or reprisals, promises of benefits or other offers, or subjected to speech designed to influence his or her decision to join the union.

None of these actions, as well as others, are permitted as of the date of the neutrality agreement and mechanisms are also now in place to adjudicate any infractions. These protections are essential, necessary, and justified.

Amazingly, it is the research done in part by Rutgers Professor Adrienne Eaton and the Eagleton Institute that has suggested that ''while pro-union workers and union organizers can attempt to make their case persuasively, it is the employers who control the workplace and frequently use their power to hire, fire, and change work schedules to pressure workers during the weeks leading up to an NLRB election.''

Another long labor organizing effort in New Jersey involves nurses and other employees at South Jersey Healthcare. While these healthcare workers finally got their union several weeks ago, organizing was not easy. Michele Silvio, a registered nurse for 13 years, who spent her last eight years in the emergency room, was told ''like it or leave it'' when she and other employees tried to make their concerns known. According to Michele, problems began after the consolidation of several facilities into one large medical center. Up to three times the patient volume was being experienced and Michele and her other co-workers felt they needed a voice to make their concerns about quality patient care known.

During the process, however, management used the tools of a captive workforce to try to ''persuade them'' to change their minds. Nurses were forced to sit through mandatory meetings on work time where management gave anti-union presentations. Workers were also interrogated and sometimes intimidated by management during one-on-one meetings.

When faced with organizing drives, the research has found that 30 percent of employers fire pro-union workers; 49 percent threaten to close a worksite if the union prevails, and 51 percent coerce workers into opposing unions with bribery or favoritism.

This is not free or fair, and the right to associate and form labor unions must be protected. The Employee Free Choice Act will level the playing field and bring fairness to the organizing process.

Mr. LEVIN. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act.

Despite the rosy economic forecast provided by the administration, a broad array of indicators shows otherwise—namely that despite record levels of corporate prosperity, the economic pressures exerted on our middle class continue to build.

Middle class families have and continue to lose ground, faced with stagnant incomes and rising costs of essential services like health care, gasoline and a college education.

One of the most important things we can do to relieve this middle class squeeze is to restore workers' freedom to join together to bargain for better wages, benefits and working conditions. Indeed, on average, union workers earn 30 percent more on average than non-union workers and are much more likely to have health care and receive pension benefits.

Yet the current system governing the formation of unions is badly flawed, and permits an unfair process greatly tipped in favor of employer efforts to block unionization drives. At present, organizers can present cards signed by a majority of the workforce in support of union representation, but the employer has absolutely no obligation to recognize this effort. Instead, employers can force a National Labor Relations Board election, which can take months to take place, during which time employers are free to erode union support using company resources through mandated anti-union activities at the workplace. Any pro-union activities are explicitly prohibited at the workplace.

H.R. 800 levels the playing field by requiring employers to recognize the card-checking procedure, ensuring a fair and equitable process that balances the rights of employers with the rights of workers to form a union.

This bill also provides negotiation benchmarks to ensure that initial collective bargaining agreements are negotiated in earnest. These provisions address problems with the current system which relies entirely on both parties engaging in a ''good faith'' effort to reach an agreement. In reality, this system permits employers to indefinitely delay negotiations during which time they can rekindle efforts to disband the newly elected union representatives.

Lastly, the bill includes tougher penalties for violations of workers' rights. Currently, about one in five pro-union employee activists are illegally fired for their union activities, in large part because the remedies for these employer violations are so weak. By strengthening these penalties, we are further ensuring that employers follow the rule of law.

The middle class is the backbone of our society. And the middle class is stronger when workers can join together to bargain for a higher standard of living. Years ago, it was unions that helped pave the way towards employer sponsored health care and pensions benefits. Now more than ever, it is vital that we address the current inequities faced by those who are fighting for workers' rights to bargain collectively. In doing so, we foster a stronger middle class and a more prosperous nation.

I urge my colleagues to join me in supporting H.R. 800.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act. Madam Speaker, this legislation is long overdue.

Under the previous majority, Congress was quick to provide tax cuts for large corporations, but legislation to improve the lives of working families was kept off the floor of this chamber.

Labor unions are responsible for almost every benefit to wage earners in this country:

Unions created the 40 hour work week, overtime pay, maternity leave, and worker's compensation.

Unions represent the people that make our country work—The grape harvesters, the home builders, telecommunications workers, ice cream scoopers at the SavOn Drug store in Anaheim. When I had that job, I was represented by Local 324 of the United Food and Commercial Workers, and proud of it.

In every sector of the economy, laborers have always looked to their unions to make sure that their interests were put ahead of the interest in the bottom line.

And it's about time Congress do the same.

Opponents of this legislation will claim that this bill is undemocratic. But how democratic is it for an employer to intimidate or fire workers before they even get a chance to vote?

Let's look at the numbers: 75 percent of employers will hire union-busters to stop organizing drives. 92 percent will mandate employees to attend anti-union meetings, and one quarter of companies illegally fire pro-union employees during organizing drives. How can you have a ''free and fair vote'' with this kind of intimidation going on?

All this bill does is level the playing field. It removes institutional barriers and gives workers a chance to organize if they want to.

You know, government is actually behind the private sector on this issue. Many employers already allow for this type of organization. They recognize that it is good for workers, and it's good for management too. These leading companies have seen growing job satisfaction, better retention of qualified professionals and increased productivity.

Madam Chairman, I urge Congress to do the right thing. Let's pass this legislation and give employees a real opportunity to organize.

Mr. LARSON of Connecticut. Madam Chairman, today I rise in strong support of H.R. 800, the Employee Free Choice Act, which would ensure that employees have the right to choose how they will organize their own unions. I am proud to be an original cosponsor of H.R. 800 because it is a key step toward strengthening America's middle class.

Current law allows a majority of workers to sign cards to form a union. However, an employer can veto that decision and demand an election through the National Labor Relations Board (NLRB). Under H.R. 800, if a majority of workers sign cards indicating their support for a union then the NLRB must certify the union as a bargaining agent for those workers. This legislation would not eliminate the election process and would allow workers to choose an NLRB election if they wish. This bill gives employees a voice and choice in the work place, and eliminates the unilateral employer decision for an NLRB election. The legislation also puts teeth to good faith collective bargaining by establishing a system of mediation

and arbitration that would apply to an employer and union that are unable to reach a first contract. Finally, the bill would toughen employer penalties for violating workers' rights during an organizing drive.

The reality is that workers in unions earn 30 percent more in weekly wages than non-union workers. Unionized workers also receiver better benefits and working conditions than non-union workers. It's time to move this country in a new direction. I believe that passage of this legislation is crucial and will give working families the freedom to bargain for a better life.

Mr. ORTIZ. Madam Chairman, when overzealous employers opposed to union organizing can exert undue pressure on workers, the whole idea of workers having a say in their own future means nothing.

The Employee Free Choice Act supports working families by eliminating pressure from employers, who will no longer be able to demand a second election after a majority of workers have already voiced their will. This bipartisan legislation has 234 cosponsors and is supported by 69 percent of the American people . . . and it is long overdue.

Workers will retain their right to voice their will on union organizing, either through the standard methods of holding an election or turning in pledge cards. Employee Free Choice Act merely eliminates subsequent—or ''do-over''—elections forced by employers.

In addition to eliminating ''do-over'' elections, the bill also strengthens employer-union mediation and arbitration provisions, and it strengthens penalties for violations of the union organizing process. Workers must have the ability to make their union decisions without hostility directed towards them. Those that flout the law should be held accountable.

Despite several years of economic growth and high corporate profits, middle-class American families have actually lost ground—squeezed between stagnating incomes and rising costs for health care, education, and housing.

Giving workers a free choice to join together to bargain for better wages, benefits, and working conditions is a critical step to easing the squeeze and strengthening the middle class. The current system for forming unions is badly broken and undemocratic, with employers routinely intimidating, harassing, coercing—or even firing—workers who support a union.

Responsible employers already voluntarily recognize a union when a majority of workers sign up for one. It is time that all workers have this free and fair choice in selecting their representative, so they have a fighting chance to bargain for better wages, benefits and working conditions.

I urge my colleagues to support this bill—and I hope the Senate will follow us quickly—to put real teeth in the law by strengthening the penalties for discrimination against workers who favor a union.

Ms. GINNY BROWN-WAITE of Florida. Madam Chairman, I rise today to express my disappointment over the iron-fist manner in which the majority brought this measure to the floor. I offered a common-sense amendment in the Rules Committee that Democrats soundly rejected. My amendment would have prevented labor unions from collecting any membership fees from one of their employees without verifying that the individual is a citizen or lawful resident permitted to work in the United States. With our immigration problem, taking the time to verify the legal status of their membership is certainly an area in which labor unions could help.

Listen up America. This flawed piece of legislation will do nothing to address our country's problems. Instead, it is nothing more than a piece of red meat being thrown to the foaming-at-the-mouth liberal wing of the Democratic Party. This bill is so bad that the communist party has gone on the record in support of it.

In closing, I urge my colleagues to oppose H.R. 800.

Ms. WATERS. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, and I thank the Gentleman from California [Mr. GEORGE MILLER] for introducing this legislation and for bringing it to the Floor for workers in America. I am a proud original co-sponsor of H.R. 800.

H.R. 800 contains three very strong protections for unions. First, it streamlines the process for obtaining National Labor Relations Board certification when a majority of employees have signed up for representation. Second, it provides for easy referral to mediation and arbitration when an employer and a union cannot reach an agreement within 90 days of negotiations so that employees are guaranteed an opportunity to reach an agreement. Third, it enhances penalties for discrimination, unlawful discharge, and other violations of the labor laws.

According to a study conducted by the National Labor Relations Board, the probability of a pro-union worker being fired during an organizing campaign went up from half a percent in the period between 1970 and 1974 to one percent in the period between 1996 and 2000; between 2001 and 2005, this figure rose to 1.4 percent. America needs this legislation because workers are being mistreated and need strong and effective representation.

My State of California is home to the largest number of stakeholders in support of this legislation. Nationally, there were 15.4 million union members, and a little under half (7.5 million) lived in six states—California, New York, Illinois, Michigan, New Jersey, and Pennsylvania. One of the main reasons why we need this legislation is because although these six states make up about half of the union members in the entire country, they only account for a mere one-third of the national wage and salary employment.

In California, there were 2,424,000 union members (16.5 percent of the state's workforce) in 2005 and 2,273,000 union members (or 15.7 percent of the state workforce) in 2006—which is the largest percentage in the country.

The Bureau of Labor Statistics showed that nationally, in 2006, there were about 1.5 million wage and salary workers who were represented by a union—even though they were not members themselves. Therefore, this legislation will help America's workers even if they do not belong to a union.

This trend of retaliatory firing has played a major part in the sharp decline in organized labor. Organized labor went from 30 percent in the 1960s to just 13 percent in 2003—and during this period, America saw the largest upward redistribution of income in its history—according to a report by Human Rights Watch.

In addition, according to the Bureau of Labor Statistics, between 2005 and 2006, the percentage of national union members fell from 12.5 percent to 12 percent. The actual number of union members decreased by 326,000 in 2006 to 15.4 million, and there has been a steady rate of decline from 20.1 percent in 1983.

Madam Chairman, this legislation is necessary and drafted to address very specific problems that organized labor faces. Livable wages, a decent work environment, and a fair dispute process are rights that we should all enjoy.

I support H.R. 800, and I urge my colleagues to support its passage.

Mr. LEWIS of Georgia. Madam Chairman, today there are powerful forces in America that want to take us backward, not forward. In the name of global competition, there are some who say that in order to be competitive in the world market that we must give away our standard of living and our high working standards. To those people, I say ''no.''

We have to ask ourselves, as a nation and as a people, what kind of nation do we want to be? Are we really free and successful, if too many of our citizens are harassed and intimidated on the job when they are trying to form a union to protect their rights?

People living in a democracy should not have to work in an atmosphere of fear and oppression. And they should be able to exercise their rights to organize. There are many corporations in Atlanta, like UPS, Coke and others, that are profitable international institutions who do not sacrifice the dignity and the integrity of their employees.

We have to ask ourselves whether we can be truly comfortable, if somewhere in America somebody is working hard, struggling to make ends meet, but they fear the retaliation of their employer if they try to protect their dignity and worth on the job? How long can we live in comfort before this injustice comes knocking at our door?

I have always been a strong supporter of labor and working Americans, and why I am an original co-sponsor of the Employee Free Choice Act. It is our duty as members of Congress to protect our workers and to encourage citizens and corporate citizens to implement these values of respect in our society. I urge all of my colleagues to support this legislation.

Mr. PASCRELL. Madam Chairman, the legislation we have before us today is not a debate between the interests of big business versus the interests of unions; this legislation is instead intended to serve the interests of the American worker. The Employee Free Choice Act is a bipartisan agreement that America's workers are not being served by our current system. We already know that workers who are able to unionize enjoy a higher standard of living than their nonunion counterparts and that those higher standards contribute to a stronger middle class. In fact, union workers' median weekly earnings are 30 percent higher than nonunion workers' and a full 80 percent of union workers have employer-provided health insurance while only 49 percent of nonunion workers do.

Those facts are clear and so is the fact that the current NLRB election process is broken. The current system does not allow workers the ability to fairly judge for themselves if they want to join a union, instead it allows their employers to unfairly place pressure upon them to reject unionization. This is demonstrated by the fact that 75 percent of employers hire unionbusting consultants to help fight union organizing drives. It's not surprising then to learn

that 25 percent of employers in organizing drives fire at least one worker for union activity and a striking 51 percent of employers threaten to close the business if the union wins the election. Under the current broken system these employers are allowed to threaten, harass and fire employees without any real consequence. The Employee Free Choice Act fixes this broken system and puts the onus back on employers to provide the American workers the rights they have so truly earned.

Mr. CUMMINGS. Madam Chairman, I rise today in support of the ''Employee Free choice Act,'' H.R. 800. This is a historic moment for working families, and I am proud to be a part of it. Unions matter. The Washington Post reported yesterday that 12-year-old, Maryland resident Deamonte Driver died from a bad tooth. A routine, $80 tooth extraction might have saved him. Instead, the infection from the bad tooth spread to his brain. Unfortunately, the bakery, construction and home health-care jobs Deamonte's mother has held did not provide the insurance necessary to pay for his care.

This tragedy might have been avoided if Deamonte's mother were a union employee. Eighty percent of union workers have employer-provided health insurance, compared with on 49 percent of nonunion workers. Our health care system is broken in this country, and unions provide a solution for so many families. I would like to thank Chairman MILLER for his leadership on this issue, and I urge all my colleagues to vote in favor of it.

Mr. RODRIGUEZ. Madam Chairman, I rise in support of H.R. 800, the Employee Free Choice Act. Now, more than ever, American workers need effective bargaining tools to negotiate with their employers for higher wages, safer working conditions and better benefits. As the income gap between the wealthy and the middle class widens, it becomes more important to protect and support American workers.

Being part of a union can provide invaluable benefits to American workers. According to the National Bureau of Labor Statistics the median weekly income for unionized workers is 30 percent higher than that of non-union employees. We need to facilitate organization among workers, not impede it. The card check method authorized by this legislation will help to do just that.

For decades, workers have had the right to join a union and for that union to be recognized. Secret ballots have been beneficial in determining support for unions in the past, but a growing number of reports of worker intimidation and even job termination prove that secret ballots are no longer enough.

Secret ballot elections, a sacred and long-held tradition in American government, take on vastly different consequences in the workplace. Such elections often follow widespread harassment and coercion and the results become a byproduct of the fear and intimidation initiated by employers. If an election process cannot be conducted in a fair manner, then we must provide a legal alternative for unionization.

This legal alternative is the card check method authorized by the Employee Free Choice Act, which will allow employees to express their support for unions without being subject to anti-union propaganda leading up to a secret ballot. This legislation also enacts strict penalties that will deter employers from abusing and manipulating their workers. Our workers deserve the rights and protections that are required by the Employee Free Choice Act.

Mr. JORDAN of Ohio. Madam Chairman, I rise in opposition to this bill because it will hurt our economy and deny working Americans the right to vote—free from intimidation—by secret ballot.

I'm sure that each of my colleagues can boast of successful union and non-union employers in their districts. I had the opportunity to tour a number of these businesses in Ohio's Fourth District over the recess.

These companies and the workers they employ represent the best America has to offer. They are the reason our economy is the envy of the world.

Today, our economy is growing faster than in the 70s, 80s, and 90s. We've improved our competitiveness with good public policy like tax cuts. But we still draw our strength from good old fashioned hard work and values. This bill is antithetical to every principle that makes America great.

Removing the secret ballot protection for workers invites the type of coercion described by one of our constituents, Clarice Atherholt of Upper Sandusky, Ohio, in testimony before the Senate. She told of unsolicited home visits by union organizers and other high-pressure tactics, saying that ''[m]any employees signed the [union authorization] cards just to get the UAW organizers off their backs, not because they really wanted the UAW to represent them.''

So much for ''employee free choice.''

Madam Chairman, America faces a number of critical challenges. We must continually focus on improving our economy and remaining competitive in the world marketplace.

We're making progress, but this bill represents a step backward. It has drawn opposition from every pro-growth, pro-business voice imaginable, and I urge my colleagues to join me in opposing it as well.

Mr. HONDA. Madam Chairman, I rise today in support of the Employee Free Choice Act (EFCA), H.R. 800. This bipartisan bill brings forth long overdue changes to the broken National Labor Relations Board (NLRB) system. EFCA would add the option of majority sign-up for forming unions and bargaining; provide an efficient timeline for good faith mediation and arbitration, and stronger penalties for violations during the organizing and initial contract negotiations. Ultimately, EFCA would restore workers' freedom to form unions and bargain.

Responsible employers voluntarily recognize unions when a majority of workers signal their desire to unionize. Studies have shown that workers believe the sign-up method to be a fair process, free of the pressures and coercion stemming from NLRB elections. Asian-American and Pacific Islander communities share the strong work ethic and desire for advancement at the core of the American Dream and labor membership is a key component to a fair and open competition for jobs.

Our Nation is stronger when workers join together and bargain for a better life. Union membership helps to offset some of the race and gender disparities in the labor market. Activism by organized labor has given Americans better wages, paid sick leave, child labor laws, paid vacations, stronger work safety regulations, and more secure retirement. Union workers receive better benefits and higher weekly earnings than their non-union counterparts. Furthermore, workplaces unionized through majority sign-up have better employee relations and greater employee focus on the business.

Madam Chairman it is time we allow the workers to choose, not the employer. I urge my colleagues to cast a vote in favor of the American worker and in support of H.R. 800, the Employee Free Choice Act.

Mr. DINGELL. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act.

In the words of President John F. Kennedy, ''The American labor movement has consistently demonstrated its devotion to the public interest. It is, and has been, good for all America. Those who would destroy or further limit the rights of organized labor—those who cripple collective bargaining or prevent organization of the unorganized—do a disservice to the cause of democracy.''

Like my dad, I have always supported working families and am happy to see this bill on the floor today.

For the past few years, workers in this country have been under relentless attack by those who seek to abolish their fundamental right to organize.

Simply put, the legislation we are debating today will provide that a majority of workers is sufficient for the formal recognition of a union.

Quite frankly, I don't see what the controversy is all about. If the majority of employees want to be represented by a union, they should have the right to do so. Labor unions stand for decent wages and benefits and safe working conditions. They fight against poverty and unemployment, and for equal justice and human rights.

Unions represent the basic right to a fair day's pay for a fair day's work. They provide a voice for individual workers to express their concerns without fear of retribution. Unions understand that raising the bar for workers helps raise the bar for all Americans. We are all much better off today because of the efforts of unions over the years.

I am proud to be an original cosponsor of this legislation and to be here today to vote for it. I urge all of my colleagues to join me in standing up for the rights of hardworking Americans by supporting the Employee Free Choice Act.

Mr. UDALL of Colorado. Madam Chairman, when I agreed to cosponsor this important legislation two years ago I made clear in a floor statement that I had serious reservations about weakening the secret ballot in union organizing elections. I believe American workers ought to make decisions about organizing unions in a way that is free from intimidation by labor or employers.

It is because the National Labor Relations Board (NLRB) has largely failed in their responsibilities to protect the rights of American workers to organize that we even have to consider this legislation.

Despite my reservations, therefore, I am persuaded that we ought to pass this imperfect bill so that the Senate may take up reforms in the labor-business relationship that will protect the rights of workers to organize, and at the same time preserve balance, fairness and objectivity in the way the National Labor Relations Board (NLRB) conducts elections.

Before I get to the merits of this legislation, however, I want to register my disappointment that more amendments were not allowed for our consideration. The majority may not be well served by an open process that allows for deeper debate and the consideration of amendments, but our country would be better served. And on legislation with such far-reaching consequences for the balance between business and labor, I believe we are ill-served by not debating and considering more amendments.

There are other improvements to this bill that we should have considered, and that I hope will be considered in the Senate. For example, I hope the Senate will consider amendments that address decertification procedures and deadlines for the NLRB to reach decisions. And I am hopeful the Senate will consider carefully whether this legislation should apply equally to small businesses. Perhaps the Senate will also consider the wisdom of a sunset provision for this legislation so that we can revisit it later—in order to determine whether it will have the desired effect for workers and for our economy.

As I said in 2004, I am reluctant to endorse changes in current law that could be seen as preventing workers to make decisions in private about union representation.

I agree with those who say a secret ballot process is preferable in most cases, and think that the burden of proof is on those who say that an alternative should be used.

However, I have been and remain disturbed by reports of employers using heavy handed techniques to discourage workers from organizing in the first place and intimidating and even illegally firing workers who decide to join.

But there is a real possibility that the NLRB won't do that—which is the primary reason I support this bill.

I am disturbed—I think we should all be disturbed—by the serious questions that have been raised about whether the NLRB is doing its job. And I am worried that recent NLRB decisions tilt too far toward allowing employers to intimidate union organizers.

For example, the NLRB has decided that as workers are considering whether to form a union, an employer may explicitly ''inform'' them that workers in two other facilities lost their jobs after they decided to organize.

I understand that in the case in question the regional NLRB director ruled this ''clearly implied'' the union was responsible for the firings and insinuated the same would happen to others who chose a union. In other words, the NLRB official closest to the case saw this as an example of an illegal threat of retaliation.

But in a 2–1 party line vote—with two appointees by the current Administration in the majority—the NLRB overruled the regional director's decision and claimed the memo ''did not exceed the bounds of permissible campaign statements.''

I think that decision shows just how far the playing field has been tilted away from a fair balance between employers and employees who want to bargain collectively.

And the purpose of this legislation is to move back toward a fairer balance.

Consider what the law says about ending—not establishing, but ending—union representation. Under the National Labor Relations Act, if 50% or more of the employees in a bargaining unit sign a petition that they no longer want to be represented by their union, the employer can withdraw recognition without an election.

And if just 30% of the employees in a bargaining unit sign a Decertification Petition, the NLRB will conduct a secret ballot election on the question of ending union representation. Not a majority—just 30%

In other words, the current law makes it harder for workers to get a union than to get rid of one—and, as I just said, current policies of the NLRB add to the burden of people who want to have a union. I don't think that's balanced. Why should it be harder for workers to get a union into their workplace than it is for them to get the union out?

This bill would not completely change that. But it would say that just as signatures of a majority of workers can end union representation, a majority of signatures could start it. And I think that is reasonable and equitable.

Also, the bill would correct some of the problems with the current NLRB by changing parts of the law under which it operates.

Current law says the NLRB must go into federal court and ask for an injunction against a union if the NLRB thinks there is reasonable cause to believe that the union has violated the law's prohibition of secondary boycotts. Under the bill the NLRB would have to take the same action to enforce the law that protects workers against pressure to reject a union as it does to enforce the law's limits on what a union can do to put pressure on employers. I think that is fair.

And the bill also increases the amount a worker could collect if he or she has been unlawfully discharged or discriminated against during an organizing campaign or first contract drive and by providing for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated the law. Again, I think these are improvements over the current law.

Finally, I think some of the attacks on this bill have been exaggerated. For example, some have said it is intended to deprive workers of their right to an election. But under current law, elections are not always required—if a majority of workers sign cards saying they want to have a union, their employer can agree, and then the union is established without any election. So what the bill does is to deprive employers of the option of insisting on an election any time a majority of the workers have signaled that they want a union.

Madam Chairman, this bill is not perfect, and in some ways I think it might have been better to take a different approach to the problem, with even greater emphasis on changing the law governing the operations of the NLRB rather than the card-check process. But I think it can, and should be improved before final passage by the Congress, and should go forward to the Senate for further and, hopefully more deliberate, consideration.

Mr. BISHOP of New York. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act. We will hear today about how this bill will deny workers their fundamental right to a secret ballot. It sounds compelling but it's just not so.

Here is what the bill will deny: it will deny the employer the ability to veto a workforce's effort to form a union by virtue of majority sign up. Under current law, if a majority of workers sign cards indicating their support for a union, it is the employer, not the workers, who gets to choose if there is a secret ballot election. Under current law, therefore, if the employer doesn't like the result of the sign up process, he can, in effect, demand a do-over. How is this fair to workers?

Our bill places the power to choose to seek a union affiliation where it should be—with the workers, not with the management. If the majority of workers want a union—they get a union.

As a son of a union member, I witnessed firsthand the advantages of a unionized workforce. In fact I stand here today because of the protections my father's union afforded him, as they allowed him to provide for his family and send kids to college.

This bill will finally give workers the protection they need. I urge my colleagues on both sides of the aisle to support this straightforward legislation.

Mr. LYNCH. Madam Chairman, I rise today in proud support of H.R. 800, the Employee Free Choice Act.

There has been much said during this debate about what effect this bill will have for American workers and for our business community.

In the simplest terms, the operative language of this bill allows American workers to have a voice in the workplace. It allows individual workers greater ability to come together and bargain collectively with their employer.

In some cases it would mean that workers would have the opportunity to have a say when the company closes its pension fund or moves jobs overseas and lays off its workers.

In some cases these hard-working Americans would have a chance to question exorbitant salaries paid to company CEOs. These workers may actually have a chance to bargain with their employer over health benefits.

Now, it may seem threatening to some folks, that these workers will have a better chance to have a voice in the workplace. But that's basically it, that's what this bill is all about.

Giving a little bit of power to workers who may have had their pensions eliminated and their jobs eliminated.

These workers who would be powerless to have any effect individually will be able to get together, to associate, and bargain as one.

For twenty years I worked as a union ironworker, one of the most dangerous occupations in our society.

The safety standards that were maintained and enforced to make the job as safe as possible were made possible by the Ironworkers International Union and my brothers and sisters of the American Labor Movement.

I can honestly say that I often find it strange that in a country as great as the United States, founded on individual freedom, freedom of expression and freedom of association, that it is necessary to actually have a Federal statute passed so you can join with your fellow workers in order to have a voice in the workplace.

This bill actually allows human beings to exercise a moral right, a God-given right. The time is now, our cause is just, Mr. Speaker, I urge my colleagues to support H.R. 800, The Employee Free Choice Act and I yield back the remainder of my time.

Mrs. CAPPS. Madam Chairman, an original cosponsor of the Employee Free Choice Act, I rise in strong support of the bill.

Last November, Americans responded to our commitment to change, and voted in the

new Democratic majority. Last month we affirmed that commitment by voting to increase the minimum wage—the first increase in over a decade. Today, we further that commitment by helping to increase access to health care, better pay, and better retirement benefits for millions of American workers by passing the Employee Free Choice Act.

America's workforce desperately needs our help. During this period of so-called economic growth, American workers have seen their incomes flat-line while the salaries of the wealthiest one percent have skyrocketed. They have seen the costs of basic necessities such as health care, education, transportation, food and housing rise while the number of quality jobs falls.

The Employee Free Choice Act will help narrow this growing income disparity by making it easier for American workers to unionize if they so choose. Statistics show that unionized workers earn higher wages, have greater access to health care, and receive better retirement benefits. This bill will level the playing field and help narrow the growing income gap that is plaguing our Nation.

The ability of workers to unionize is a fundamental right that must be protected. While many employers treat their workers fairly, and respect their right to unionize, many more do not. For far too long, some employers have routinely restricted the rights of workers by threatening, coercing and even firing employees who attempt to form a union.

Opponents of the bill claim that current law adequately protects the rights of workers who want to form a union. However, any American worker will tell you that it does no such thing.

Under current law, employers can force employees to attend mandatory, closed-door meetings to listen to anti-union propaganda, while employees I are denied the right to rebut.

Under current law, employers can block the formation of a union by dragging out negotiations indefinitely, while employees are denied the collective representation they voted for.

And, under current law, employers routinely fire workers for merely discussing union activities, and employees are denied their pay while the NLRB takes months to take action.

The truth is that the system is badly broken, and must be repaired. This bill would begin to fix the system by making it easier for employees to form unions and giving workers a fair seat at the bargaining table by establishing a system of mediation and arbitration.

Too many employees have been denied their rights for far too long. It is time that we stand up and protect America's workers from the abuse, coercion, and intimidation they have endured for generations. While much work still must be done to protect these workers, the Employee Free Choice Act is a strong step in the right direction.

I urge my colleagues to help America's workers, and vote ''yes'' on H.R. 800.

Mr. STEARNS. Madam Chairman, today we vote on a bill that quite frankly hurts American workers. The derisively named ''Employee Free Choice Act'' removes employees' choice in choosing to organize by having them reveal their vote on an authorization card, under the watching eyes of union officials; not on a secret ballot.

This is wrong, not only in the workplace, but in any scenario where peer pressure can exert itself. In government elections, secret ballots are the foundation of democracy worldwide. We send election observers to developing nations to see that, among other elements, their ballots are cast in private.

The Fraternal Order of Police labor union wrote to our Speaker on Tuesday against this bill, saying: ''This ill-named legislation attacks the very meaning of free choice. Without federally supervised private ballot elections, our democratic process would be extremely susceptible to corruption, and the very foundation of our Republic could be undermined. This bill would do the same thing to our Nation's workers by robbing them of their privacy, power and voice in deciding who should represent and defend their rights as employees.''

Employees who just want to go about their business and peacefully do their jobs without fear of reprisal from either their employers or union bosses deserve the same secret ballot with which all of us were elected.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise today as an original cosponsor and strong supporter of the Employee Free Choice Act.

Abraham Lincoln once said, ''If any man tells you he loves America yet hates labor, he is a liar.'' President Lincoln's words are no less true now then they were when he spoke them over a century ago.

Organized labor has played a critical role throughout our history. Without it we would never have witnessed the rise of the greatest middle class that the world has ever seen. But there is more to be done. Madam Chairman, over the last six years, our middle class families, including those in my district in Pennsylvania, have been squeezed by the anti-worker policies of this administration.

The late Senator Wellstone, a champion of organized labor used to tell this story about the great abolitionist Wendell Philips. One day Philips, in his usual fashion, gave a fiery speech, and said that slavery was unconscionable, an outrage and should be abolished. He finished speaking and a friend came up to him and said, ''Wendell, why are you so on fire?'' He turned to his friend and said ''Brother May, I'm on fire because I have mountains of ice before me to melt.''

We too have mountains of ice to melt. Madam Chairman, there is much to be done to strengthen our middle class and to make sure that they, like their parents, can ensure that their children will have more than they did. For middle class families, the Employee Free Choice Act is a good start down the path to greater prosperity.

Everywhere families turn they face ever increasing costs. Health care, education, gas, food, housing. Prices are up, wages are down and middle class families are struggling. People can sit around and argue all day about why the middle class is getting squeezed, but when I think about my friends and neighbors back home in Pennsylvania, it is clear that arguments are no longer good enough—we need to do something. Letting workers organize fairly is a good start.

Madam Chairman, I would like to use my time here to set the record straight. For too many years now and for far too many Americans, joining a union has been a risk, rather than a right. I don't think that it's too much to ask that if a majority of workers want to join a union, they should be free to do so. And they should be free to do so without coercion and without misinformation campaigns.

Mr. MICHAUD. Madam Chairman, I rise today in strong support of the Employee Free Choice Act.

As a 30 year veteran of the Great Northern Paper Company mills and a proud union member, I know firsthand how crucial it is for workers to have the right to organize and bargain together to secure their rights in the workplace.

On average, workers who belong to unions earn 30 percent more than nonunion workers, and they are much more likely to have health care and pension benefits. Polls tell us that 58 percent of eligible workers would join a union if they could, yet union membership in the private sector plummeted to 7.4 percent in 2006, a record low.

The Employee Free Choice Act would allow workers more freedom to form unions, so they can seek their share of America's prosperity, and fair treatment for an honest day's work.

The current system for forming unions and bargaining is broken. EFCA is the right bill to fix it, and I urge my colleagues to give it their support. I yield the remainder of my time.

Mr. BLUMENAUER. Madam Chairman, the history of organized labor in the United States goes beyond the colorful to include stories of drama, heated conflict, and even violence.

Any objective view of history shows that legitimate efforts of workers to organize and represent themselves have been subjected to an amazing array of extraordinarily aggressive behaviors on the part of employers and at times even of the government itself. Indeed it was regarded by many business and government leaders as a subversive activity. There has been violence and intimidation on both sides but systematic repression against workers is certainly one of the darker chapters in our history.

Over the last century, organized labor has brought about the five-day workweek, overtime pay, and workplace protection; ultimately, unions helped create America's middle class. These are benefits that we now take for granted, but which were fought by many business interests who had taken advantage of unorganized workers. These issues arose out of intense conflict and were faced with great difficulty. There are numerous examples in today's workplace that attest to the continuing need for workplace protection.

Recently we have found that the Federal Government has no longer been serving as a neutral protector of collective bargaining within the organizing process. I'm convinced that legitimate rights have been systematically undercut and the Federal Government has been indifferent, at best, to providing a level playing field to workers and redress against abuse.

Today's Employee Free Choice Act is a small step in correcting that imbalance by restoring choice in a system that is currently driven by aggressive employers and coercion, as well as anti-union consultants. Instituting a level playing field for workers who want to unionize will ultimately improve wages, working conditions and job security for workers.

While it is highly unlikely, given this administration's antagonism toward organized labor, that this legislation would ever find its way into law, passage of this bill today in the House is a vital and important step in giving workers a toehold again.

This legislation will help end the official hostility and indifference by initiating a process that spotlights workers' opportunities and employers' responsibilities. I am confident that

the passage of the Employee Free Choice Act will ultimately give unionizing rights to all workers.

Mr. PEARCE. Madam Chairman, today the Democratic Majority has brought to the House floor legislation chairman representing one of the greatest assaults ever on the American worker. Today the Majority in Congress will strip American workers the right to a secret ballot election when deciding whether or not to unionize. This freedom stealing legislation, complete with a misleading title, does nothing to enhance ''free choice''—rather it undermines workers' freedom of choice to vote by secret ballot.

Our country is a democratic society committed to preserving and protecting the rights of American citizens to vote for those who represent them. Secret ballot elections are conducted when electing our state legislators, our congressmen, our senators and our President. Secret ballots are used by Unions to elect their own leadership and pass resolutions changing their bylaws. Yet the Democratic Majority wants to strip that right away from Americans in their own place of work.

More accurately characterized as the ''Secret Ballot Elimination Act'', this legislation opens the door wide for union organizers to use intimidation, coercion and compulsory tactics on workers who hesitate to join their efforts. In fact, the Fraternal Order of Police, a union representing thousands our nation's law enforcement officers, has urged opposition to this legislation stating, ''The scheme proposed by the legislation would replace the current democratic process of secret ballots with a 'card check' system that invites coercion and abuse.''

It is clear that Big Union organizers said ''Jump'' and the Democratic Majority asked ''How high?'' as they crafted this legislation that panders to their Big Union bosses by allowing them to force workers to join their unions.

Today, Democrats are trying to justify their support of allowing union organizers to intimidate workers by debating the pros and cons of unionizing. Not only does this further the agenda of Big Union leaders, it avoids the true issue at hand—the basic right of American workers to vote by secret ballot when choosing whether or not to unionize.

Working families in New Mexico and America deserve to decide whether or not to join a union without the threat of coercion and intimidation. The denial of secret ballots is something you only expect in nation's like North Korea, Cuba or other Dictatorships where citizens and workers don't have the right to organize at all. The Democratic Majority is once again chipping away from the freedoms of our democracy and I stand in opposition to the bill.

Mr. KIND. Madam Chairman, I rise today to provide my strong support for H.R. 800, the Employee Free Choice Act of 2007. Representing Wisconsin's workers in Congress is a privilege I am honored to have. That is why I am an original co-sponsor of H.R. 800, because protecting workers ability to form unions is of the utmost importance for the continued prosperity of our country.

Our Nation's economic success depends on the viability of the American workers, but the current Administration's policies have created an unfavorable climate. I fear that if Congress doesn't act to protect employee free choice and change current labor law to discourage unfair labor practices by employers, the legislative victories of the past will be at stake. With the Employee Free Choice Act, which amends the National Labor Relations Act to establish a more efficient system for monitoring labor relations, I see an opportunity for Congress to do just that.

Americans have waged countless battles to improve conditions in the workplace and to pave the way for a better life for all working families. Yet today they lack the adequate measures to address workplace inequities and to safeguard against unfair labor practices. The National Labor Relations Act, enacted by Congress in 1935, no longer works to protect the right of workers to form and join unions. But the need to monitor relations between unions and employers is just as important today as it was 72 years ago.

The Employee Free Choice Act would combat obstructionist behavior by: 1) guaranteeing free choice through majority recognition; 2) facilitating initial labor agreements through mediation and arbitration; and 3) providing more effective remedies against employer coercion.

Having grown up in a labor household, I know there is no question that union workers benefit from a collective voice, thus improving the lives of all working Americans and their families. The wages of workers are 26% better than for non-union workers; and union workers generally have better healthcare benefits, pensions and disability compensation than workers not associated with a union. Therefore, it is clear to me that protecting the right to form a union is critical.

The current system fails to provide a responsive mechanism for workers when their rights have been unjustly denied. The Employee Free Choice Act makes necessary changes to the National Labor Relations Act to fill in the gaps of the current law and guarantee workers a voice without the threat of unwarranted penalties.

The rights of the American worker are far too important to ignore and not preserve. I promise to continue the fight against any changes that will reduce workers' benefits and pay while supporting initiatives that increase workers' rights and protections in the workplace. Madam Chairman, I urge my colleagues to support this bill and the rights of their constituents.

Mr. DELAHUNT. Madam Chairman, I am pleased to rise in strong support of H.R. 800, the Employee Free Choice Act. Today, American workers' freedom to form unions is not only at risk. It is in serious jeopardy.

We've seen lax enforcement of labor laws. Judicial decisions under-cutting organizing protections. Administration interference in collective bargaining efforts.

At the same time, business interests have aggressively worked to strip overtime protections from millions of workers. Corporate America has pushed through trade deals sending American jobs overseas, further weakening workers' power to organize and bargain.

The Employee Free Choice Act is a critical measure that restores workers' freedom to form unions. It protects America's hard-working middle class families. The legislation protects workers against employer interference in organizing drives. It safeguards workers against practices of intimidation. Practices that are increasingly common.

This is a deeply personal issue for me. I know what happens when workers have no protection.

My grandfather was a Boston police officer who was fired for trying to organize a union. When he worked as a police officer, the work week was 96 hours. There was no vacation or overtime. There were no benefits.

Worker rights have advanced in this country only when unions are strong, but today those rights are being trampled. The hard-earned worker protections are disappearing. This should not happen in America, a country built on the efforts of workers across the decades.

During our history, the rise in the American middle class has directly paralleled the rise in the number of unionized American workers. The more workers in unions, the larger and stronger the American middle class is. The stronger the American middle class, the stronger our democracy. Today, we are regressing—at an alarming rate. Median family income has dropped every year of the Bush Administration—every single year. American worker paychecks have been flat or declined in more than half of the 65 months of the Bush Administration.

When workers are able to make their own decisions—freely and fairly—about whether to form a union, they can bargain for better treatment on the job. The middle class standard of living improves. Workers who belong to unions earn 30 percent more than non-union workers, and they are much more likely to have healthcare and pension benefits.

And the American people know it. In a recent survey, 68 percent of respondents believe that unions can make a difference for today's workers. An even higher percentage support the Employee Free Choice Act.

Every day, millions of Americans work hard and play by the rules. Yet they still struggle—just to get by.

Workers represented by unions are far more likely to have health insurance and guaranteed pensions, access to job training opportunities and higher wages. If we want to improve working conditions for America's workers, strengthen America's families and rebuild America's middle class, we need to pass the Employee Free Choice Act.

Mr. CROWLEY. Madam Chairman, I rise in support of the Employee Free Choice Act.

Currently, more than 15.4 million workers in America are enjoying the right to unionize, earning an average 30 percent more than workers without unions.

New Yorkers make up approximately 2 million out of the 15.4 million unionized employees nationwide—making it the second most unionized state in the Nation.

But far too many workers looking to have collective bargaining rights are denied and the people who are often looking to organize are those working in the service industry—many of whom do not have access to collective bargaining, the right to affordable health care, or the ability to earn a living wage.

I encounter these people—working people—far too often in my own district in Queens and the Bronx, New York.

This bill will help get rid of many arcane tactics some employers use to prevent employee organization, thereby giving a helping hand to those workers and the groups who are trying to defend their rights to respect in the work place. That is why I support the Employee Free Choice Act.

There are far too many people in this country who work hard, play by the rules, and cannot get ahead—this bill is a helping hand to a better life for themselves and their families.

Opposing this bill is opposing the ability of Americans to attain the American Dream.

Mr. KILDEE. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act of 2007.

Labor unions are critically necessary to address the daily imbalance between employers and employees. We measure the quality of democracy in developing nations by their government's support for freedom of association to form and join unions. Unfortunately, an aggressive assault on American workers, and the institutions that represent them, has dangerously eroded these rights right here in the United States, resulting in a steady decline in the percentage of Americans in labor unions.

Workers are not joining unions because our Nation's method of labor organization is a biased playing field, full of loopholes that unfairly advantage employers. The Employee Free Choice Act would address this unfair advantage by amending the National Labor Relations Act to replicate the majority sign up system currently used in Canada.

H.R. 800 provides a simple, fair, and direct method for workers to form unions by signing cards or petitions. This legislation also sets firm time limits by which parties must begin and complete their negotiation of the tactics often used by employers during contract negotiation. first contract after union certification. This would eradicate the delaying tactics often used by employers during contract negotiation.

I have always been a strong believer in unions and the benefits they provide to working families. My father, who started working at the Flint Buick plant, was one of the first members of the United Auto Workers. He was very proud of his union, and taught me the value of unions to all working families. I have dedicated my legislative career to helping people reach their dreams by protecting their right to collectively organize in order to ensure better economic opportunities.

I urge my colleagues to vote for H.R. 800, the Employee Free Choice Act.

Mr. PENCE. Madam Chairman, I am extremely troubled by what the Democrat leadership has deemed worthy of only one hour of general debate.

The U.S. House of Representatives is poised to snuff out workers' long-cherished freedom.

When the Democrats came to power, they pledged to respect the rights of the minority, but few of the peoples' elected representatives will have the opportunity to debate—let alone amend—this legislation on the floor today.

Madam Chairman, now that a death of deliberation is taking hold in this House, the other side wants to end democracy in the workplace.

Over 70 years ago, Congress enacted the National Labor Relations Act, establishing a system of industrial democracy akin to our nation's proud history of political democracy.

The current system allows employees to determine whether they wish to be represented by a particular union through a federally supervised secret ballot election overseen by the National Labor Relations Board. It protects the interests of unions and employers, but most importantly, employees, by ensuring that both sides have an opportunity to make their case, and those employees are able to express their decision in private—free from coercion and intimidation.

The legislation under consideration today, the so-called ''Employee Free Choice Act,'' would in fact end workers' free choice by replacing current law with an easily abused card-check system. Under card check, a worker's vote is openly declared, whereas in a secret ballot election the vote of an individual is by definition private—not public.

Tellingly, the Chairman of the Education and Labor Committee, which produced this legislation, along with 15 other Democrats, sent a letter to the Mexican government in 2001 denouncing the card-check system.

They wrote: ''We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.''

Freedom from union intimidation is not only good for Mexican workers; it is good for American workers. We should not be doing away with voting secrecy to give big labor more powers over workers.

Let's keep union ballots secret. Let's vote down this Worker Intimidation Act.

Mr. COSTELLO. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act of 2007. The best opportunity for working men and women to get ahead economically is to unite with their co-workers to bargain with their employers for better wages, benefits, and working conditions. The freedom to form or join a labor union and engage in collective bargaining is an internationally-recognized human right. Further, it is a longstanding American principle and tradition that working people may join together to improve their economic circumstances.

To this end, I believe working people should have the ability to make their own decision about whether they want to bargain together without the threat or fear of harassment and retribution and fear of losing their livelihood. Since the enactment of the National Labor Relations Act (NLRA) in 1935, employers are able to recognize their employees' union when a majority of workers sign union authorization cards. However, all too often in these situations employer pressure derails the effort to unionize. This is a reasonable and fair process which has for too long been neglected and disregarded by employers. Under current law, workers have the right to form a union when a majority of the employees sign-up. H.R. 800 would ensure this right is protected.

As a cosponsor of H.R. 800, I am pleased the House is considering the bill on the floor today. The legislation consists of three basic provisions to level the playing field for employees and put an end to coercion and intimidation. First, the bill provides for certification of a union when a majority of workers sign cards designating the union as their bargaining representative. Second, H.R. 800 strengthens penalties for companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union. Third, it brings in a neutral third-party to settle a contract when a company and a newly certified union cannot agree on a contract after 3 months.

Madam Chairman, unions have been instrumental in implementing and maintaining nationwide and statewide systems of social insurance and worker protections, such as workers' compensation and unemployment insurance, occupational safety and health standards, and wage and hour laws such as the minimum wage, the 40-hour work week, and overtime premium pay. Unions, however, do not only benefit unionized workers. Strong unions set industry-wide standards that benefit workers across an industry, regardless of their union or nonunion status.

Madam Chairman, I believe strengthening free choice in the workplace lays the basis for insuring a more prosperous economy and a healthier society. H.R. 800 will restore balance and fairness to the workplace and I urge my colleagues to support its passage.

Mr. McDERMOTT. Madam Chairman, I proudly stand today in support of H.R. 800, the Employee Free Choice Act, which would enable workers to finally reclaim their right to freely form a union and bargain with their employers. It is clear that too many American workers today are under the threat of discrimination, harassment, or termination for simply choosing to bargain collectively for better wages, hours, and working conditions. The current system for forming unions and bargaining is broken, and it is our responsibility to fix it.

This bipartisan legislation is an important first step towards leveling the playing field for workers and employers, rebuilding our middle class, improving our economy, and on a larger scale ensuring that more Americans benefit from a growing economy. Today we can set an example for the rest of the world. How can our nation continue to encourage other nations to protect their workers' rights if we do not remedy our own?

Critics of this bill simply want to preserve the status quo. That is not a reasonable solution, and these critics clearly do not have our middle class workers' best interests in mind. Research shows that nearly 60 million would form a union tomorrow if given the chance, and that democratic votes would still take place under the Employee Free Choice Act.

The bill before us has three major components that would help restore middle class workers' rights to designate and certify bargaining representation, to receive mediation and arbitration concerning a first contract, and to enforce stronger penalties for employee violations. I believe this is the first step towards treating the problems of income inequality, and income immobility that currently confront our nation.

Today, the House of Representatives has an opportunity to send hardworking Americans a message. A message that we recognize the fundamental right to organize is essential to maintaining a just economy and a society that values work. Let us send that message loud and clear, by voting in support of H.R. 800.

Mr. LANGEVIN. Madam Chairman, I rise today in strong support of the Employee Free Choice Act (H.R. 800). This bill will help give workers the leverage they need to negotiate for a better life for themselves and for their families.

Despite several years of economic growth, many of America's middle class families still struggle to make ends meet. Every day, workers throughout the country face difficult choices about their family's basic needs as wages stagnate and the cost of living continues to rise. By restoring workers' freedom to join together to bargain for better wages, benefits and working conditions, we will help ease the burden that too many working Americans face.

Collective bargaining is one of the best tools working men and women have to restore economic fairness and rebuild America's middle class. The benefit of unionizing also helps workers with low-wage jobs such as janitors, cashiers, and childcare workers to raise their earnings above poverty levels. Union workers tend to have more of the freedoms and rights that ultimately lead to greater opportunity. And members of unions traditionally enjoy higher earnings and better access to healthcare and retirement benefits than their non-union counterparts.

Under current law, workers often face uphill battles when attempting to unionize. All too often pro-union employees are intimidated, threatened, and in extreme cases, they may even lose their jobs. The Employee Free Choice Act will help restore fairness to the collective bargaining process by imposing stronger penalties for employers that utilize these tactics. This legislation will also increase the amount of back pay employees receive when they unfairly lose their jobs for attempting to unionize.

Furthermore, the Employee Free Choice Act will increase the United States' ability to compete in a global economy. The benefits of collective bargaining go far beyond helping individual workers. By giving workers the tools they need to bargain effectively for the benefits that come with unionizing, we strengthen the economic security of each worker and their families, which ultimately leads to a more secure and prosperous America.

In passing this legislation today, we will be giving hardworking Americans the tools they need to negotiate for better wages and benefits in an open, honest, and fair way. Strengthening the security of American families strengthens our economy, and I urge my colleagues to join me in supporting the Employee Free Choice Act.

Ms. MATSUI. Madam Chairman, I am truly proud to see the Employee Free Choice Act on the floor of the House. This represents a tremendous step forward for working families in this country. I want to thank Chairman MILLER for crafting this excellent legislation and for his tireless efforts on behalf of workers.

A little less than a year ago, Chairman MILLER and I held a forum on this legislation in my hometown of Sacramento. We heard emotional testimony from workers about their experiences in the workplace. They had been subjected to coercion and intimidation—and some had even been fired—simply because of their desire to join a union.

After sharing encounter after encounter, they asked Congress to pass the Employee Free Choice Act. They know that this legislation would protect them from these abuses. It would repair the cracks in the current system. And it would allow them to make a real choice in deciding to join a union.

It is one thing to talk in the abstract about the policy. It is quite another to see first hand the human face, the real life consequences of that policy. What we are talking about is helping working Americans—the middle class—meet the needs of their families.

Congress must take advantage of this chance to act. A strong middle class has been the bedrock of expanded prosperity and opportunity in this country.

And our middle class families are at a critical juncture. They face some daunting challenges. Wages are not keeping up with inflation. Yet, the costs the typical middle class family faces—such as housing, health care, transportation and college—continue to rise dramatically. We risk losing the strong middle class that has been the backbone of this Nation.

Throughout our history, protecting the right to organize has played a critical role in improving the wages and quality of life for working people, and in growing the middle class.

To preserve the middle class, it is critical that we continue to keep the central promise of our Nation's labor laws—that workers be empowered to make their own decisions about a collective bargaining representative.

NLRB elections, as they exist today, often do not allow such a choice. And that's where the Employee Free Choice Act comes in. As Chairman MILLER has explained so well, it will take important steps to level the playing field for workers who are trying to organize. It will allow employees to make a real choice to join a union without intimidation. And it will provide for stronger penalties when companies engage in illegal practices. Because the right to organize and form a union is fundamental to ensuring a fair balance of power in the workplace.

And you know, this is not an anti-business bill, as its being portrayed by its opponents. This is a pro-workplace bill. What I mean is that when you have a card check system, it makes for a successful workplace—for the company and for workers.

At the forum I held with Chairman MILLER in Sacramento, we heard from a second panel of workers whose employer had voluntarily agreed to a card check system. This employer, and the many others that have agreed to a card check system, understand there is a benefit to treating employees with dignity and respect. They understand that when a company lets workers weigh the pros and cons of joining a union—without harassment or intimidation—those workers will be more productive and more committed to the success of the company.

Frankly, if you care about working families, these reforms are simply common sense. They will make the organizing process simpler, more fair, and most importantly, ensure that the fundamental right of choosing whether or not to join a union rests squarely where it belongs: with this Nation's workers.

I promised my constituents that I would do everything I could do get this bill passed in the House. So I am proud that it is on the floor today. Members have an opportunity—by voting in favor of this legislation—to stand with the working families of this country. I urge my colleagues to take advantage of that opportunity.

Mrs. TAUSCHER. Madam Chairman, I rise today as the Chair of the House New Democrat Coalition in strong support of the Employee Free Choice Act. Passage of today's legislation will give working Americans a basic right—the ability to choose, unabated, whether to join with their coworkers and bargain for a better life. As Americans strive for fairer treatment at work and greater economic prosperity, it is a right which we must not deny them. There is powerful evidence that America's middle class is stronger when workers join together and bargain for better wages, better working conditions and better benefits. In fact, union workers' median weekly earnings are thirty percent higher than nonunion workers'. Eighty percent of union workers have employer-provided health insurance. And sixty-eight percent of union workers have a guaranteed pension through a defined benefit pension plan.

Contrary to what opponents of the legislation will say, the Employee Free Choice Act does not mandate that workers join a union. It does not abolish the secret ballot election process. And it will not make union organization more vulnerable to fraud and coercion. It will, however, provide American workers with a choice—a choice and a hand in determining their future economic prosperity. This is the least we can do for America's workers. I strongly encourage all my Colleagues to join with me and support H.R. 800, the Employee Free Choice Act.

Mr. TOM DAVIS of Virginia. Madam Chairman, I rise today in opposition to H.R. 800, the Employee Free Choice Act.

Today we are considering legislation to strip away a fundamental right for American workers: the secret ballot.

Secret ballot elections have long protected workers from intimidation, coercion, and retribution. The National Labor Relations Act of 1947 set in statute a system that gave workers the option of voting by secret ballot when deciding the question of union organization in their workplace.

Why, 50 years later, is there a compelling need to do away with the secret ballot system? How is it that a worker will only be given a "free choice" by making his or her preference known to all?

This isn't about protecting workers; this is about flagging union membership and declining dues. Unions only represent 12 percent of the workforce—only 7 percent in the private sector. Union bosses know they don't fare as well in secret ballot elections as they do in card check elections, so they want to do away with them.

Only two months after they regained the majority, the Democrats are here to do the bidding of their union backers. There is no other reason for this debate today.

Consider the following letter sent to Mexican officials in 2001. This letter states:

> . . . the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose . . . we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

This letter was signed by 16 of my Democratic colleagues, including the sponsor of today's bill. Perhaps they have had the benefit of reflection.

Madam Chairman, this legislation isn't about helping the working man and woman; it isn't about fairness or discrimination. It is about political payback, it is legislative tribute to the union bosses that still control the Democratic Party. I therefore urge my colleagues to vote against this bill.

Mr. TIAHRT. Madam Chairman, I stand in opposition to the so-called Employee Free Choice Act, H.R. 800, and ask my fellow colleagues to join with me in supporting every worker's right to a secret ballot. I am appalled that this House would bring forth legislation that eliminates free speech and contradicts our system of democracy. H.R. 800 goes against the principles hard-working Americans stand for: openness, fairness, and freedom.

The United States Congress is charged with upholding the Constitution, not undermining it.

I have the honor of representing the Fourth District of Kansas, which includes Wichita and is the air capital of the world—home to Cessna, Hawker-Beech, Bombardier LearJet, the Boeing Company, Spirit Aerosystems, and scores of small aviation machine shops and supplies. It is a leading center of aviation research, training, manufacturing and modification.

During my time in Congress, I have had the privilege to work closely with the machinist and engineer union members on common goals and concerns—from the extension of jobless benefits to securing the continuation of the E–4B modification program, which will support many union jobs in south-central Kansas. I know the value that unions bring to workers, their families, and a community. I will continue to fight for my district, and support every Wichita worker.

H.R. 800, which some have aptly termed the ''worker intimidation act,'' would limit the choices of employees in Kansas. This legislation would replace the fair, time-honored, government-sponsored secret ballot elections with an inherently corruptible card signing system. Employees should have the right to decide on unionization in a non-coercive environment. I am shocked and dismayed that the Democrat majority would act so recklessly as to remove the fundamental and basic labor rights of free choice and free election from our hard-working men and women. Every worker has a fundamental right to a secret ballot. Congress does not have a right to take that away.

In the card-check system proposed in this bill, workers would be publicly pressured—before friends, co-workers and union organizers—to sign a card. Once labor union bosses get a simple majority of employee-signed cards, the union would be formed. There is no ballot and no democratic system. Almost one-half of all employees would never be given a chance to say whether they want to join a union. H.R. 800 takes away their voice.

Currently, 28 States do not have ''right-to-work'' laws; meaning that once union organizers have a simple majority of check-cards, all employees, without a right to vote or express their views, would be forced to pay union dues. Then, on top of this insult, newly unionized members would not be guaranteed the right to vote on the new union contract.

H.R. 800 also strikes our first amendment right to freedom of speech. This legislation would bar employers from telling their employees about the true consequences of unionization. It is unconscionable that Congress would violate the first amendment and limit the access to information by employees. Some Democrats in this House believe that workers are not capable of making a decision when presented all the facts. Every worker should be insulted by the underlying premise of this legislation.

At this point, if anyone still questions whether H.R. 800 would help or hurt workers, let me point out that this legislation would make it illegal for employers to give increases of pay or benefits during the card-check process. Proponents of the legislation say that increased benefits could influence the process. However, let me be on the record as saying that I will always support a company's right to increase the pay and benefits of its employees. A couple weeks ago, this House voted to increase the minimum wage for the first time in 10 years—an increase which I support. However, to now vote to ban a company from increasing wages on its own accord is hypocritical. I have yet to find one worker who did not want a pay raise.

In addition to restricting pay raises, this legislation will have a dramatic and dangerous impact on jobs across this Nation. Small business owners create up to 80 percent of all new jobs in this country. This legislation will limit the growth of small businesses and drive these good paying jobs overseas. Many in the Democrat party pay lip-service to wanting to stop the exodus of American jobs overseas, but, if enacted, H.R. 800 will actually encourage employers to relocate their businesses.

Giving employees less choice, killing the right to a secret ballot, keeping employees from critical information, making it illegal to provide increased benefits, driving jobs overseas. Does this sound like the United States of America? These are the real results of this ill-conceived, politically motivated bill.

This begs the question, why would labor unions and their allies push for such an antiworker and undemocratic bill? The official reason is that because employers are illegally coercing employees to not join a union; that union organizers are illegally fired or punished. Regrettably this activity has taken place to some degree. In 2005, there were 62 cases in which companies had illegally fired a worker for union organizing activities—62. In a country of 140 million workers. And, as I said, this is already illegal. Employers should be, and are, held responsible for all illegal activities. However, a few bad actors should not result in the destruction of a cornerstone of our Nation's union laws.

Mrs. McMORRIS RODGERS. Madam Chairman, I rise in strong opposition to H.R. 800. This bill is named the Employee Free Choice Act, but more truthfully has become known as the ''employee no choice act'' because it limits the choice and privacy of American workers.

Eastern Washington organizations, businesses and individuals have taken the time to contact my office to ask that I vote against this bill, which will negatively impact almost every sector in eastern Washington: small business, health care, agriculture and many others.

Let's be clear about what this act does: It side-steps a free and fair election process; it subjects workers to coercion, compulsion and intimidation.

Organizations in my community that oppose this bill include the Inland Pacific Chapter of Associated Builders and Contractors, Eastern Washington Independent Electrical Contractors and Greater Spokane Incorporated, which represents 1,600 businesses and economic entities that employ over 110,000 individuals.

In terms of its impact on health care, the ''employee no choice act'' could exacerbate the already devastating nursing workforce shortage in rural America. The card check process for unionization puts access to rural health care at risk. It could discourage potential health care professionals from entering into the health care field.

For example, if a professional nurse is working at a hospital that is going through unionization and he or she can count on being pressured to publicly declare their vote—which creates considerable stress—they may forgo working at that hospital altogether.

Professional employees like nurses, technologists and lab technicians are increasingly difficult to recruit to small, rural hospitals. If subject to the public pressure of a card check campaign, they may just decide to move on; they are in high demand and can practically choose their location.

Maybe in very urban settings this kind of movement of nurses and technicians can be sustained Madam Speaker, but in critical access hospitals in Colville, Omak or Davenport, WA, this kind of transition puts access to quality health care in jeopardy.

I have heard from Ferry County Hospital and from Dayton General Hospitals that this bill would ''increase cost'' and is a ''slap in the face for collaboration between management and employees . . . and that the current process needs to be maintained.'' What is the biggest concern for these hospitals? The undue pressure on their employees and the possibility that their staff would be subject to intimidation, fraud or retribution—and the impact this would have on their ability to deliver care.

Richard Umbdenstock, president of the American Hospital Association and past-president of the former Providence Services in Spokane, WA, has said ''the hardworking women and men of our Nation's hospitals are entitled to choice.'' I couldn't agree more. AHA has it right: ''Hospital employees should have the same rights in choosing their labor representative as they do in choosing their elected representatives.''

This bill is a brazen effort to strip American workers of the opportunity that our country has ardently defended at home and abroad: the right to vote one's conscience in privacy without someone looking over your shoulder.

H.R. 800 is a bold attempt to grab power from employees and an obvious payback for big labor whose declining membership continues. It won't just affect employees amidst a labor dispute; this act will affect us all.

Though efforts to mask the intent of this bill have been intense, as eastern Washington's voice in this House, I must object on behalf of the individuals and families that I represent.

The ballots are in and the results are clear: Americans prefer the option of a secret ballot. As the people's representatives, we must make it clear today that we will protect the working American's right to vote his or her conscience. I will vote against this bill in public, so as to preserve my constituents' right to do so in private.

Ms. ESHOO. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act.

Despite the recent surge in high corporate profits, middle class families have actually lost ground financially due to the rising costs of education, healthcare, housing and transportation. Unfortunately, under the current system for forming unions, workers are routinely denied the right to determine for themselves whether to organize. Employees oftentimes face coercion, intimidation, and harassment from employers trying to discourage unionization. These tactics discourage workers from bargaining collectively for higher pay, more substantial benefits, and better treatment in the workplace.

The benefits of unionization are well known. Workers who belong to a union earn an average of 30 percent more than nonunion workers and are much more likely to have health care and pension benefits.

Under this legislation, if a majority of workers in a workplace sign valid cards authorizing a union, then the workers would be able to have a union. This process is already possible; however, current law enables employers to veto the formation of a union without an election administered by the National Labor Relations Board, NLRB.

The Employee Free Choice Act also institutes stronger penalties for employers violating the National Labor Relations Act during any period when employees are attempting to organize a union or negotiate a first contract with the employer. In 2005 alone, more than 31,000 workers received backpay because of unlawful employer behavior of this sort. H.R. 800 also provides for up to $20,000 in civil penalties for willful or repeated violations during an organizing or first contract campaign. These penalties provide a serious disincentive for employers engaging in anti-union tactics.

The decision to form a union should be in the hands of employees. This legislation provides people with the opportunity to make this decision freely and fairly and to bargain for a better life for themselves and their families.

I urge my colleagues to support this important legislation.

Mr. MARKEY. Madam Chairman, I rise in strong support of H.R. 800, the Employee Free Choice Act, and I commend Chairman GEORGE MILLER for his herculean efforts to move this bill forward and bring it to the House floor today.

This bill is an important step towards providing Americans with fundamental workplace protections that are long overdue. When workers have the freedom to join together and bargain collectively, they have the opportunity to secure affordable health care, adequate vacation time and other benefits as part of good faith negotiations with their employers.

Americans are working harder and more efficiently than ever before. But while productivity has increased, many middle class families continue to struggle to make ends meet, pay the mortgage, afford college for their children, and access affordable health care.

These hardworking families are everyday heroes, but even heroes need help.

The Employee Free Choice Act will help ensure that workers who seek a better future for themselves and their families through union representation are not coerced, intimidated or threatened by employers trying to prevent them from exercising their legal rights.

The bill we are considering today would enable employees to choose—they can choose to go through the current NLRB election process, or they can choose a card-check process designed to insulate them from intimidation. If a majority of employees choose to sign cards in support of union representation, the employer must abide by that decision and certify the union if the NLRB validates their majority.

While the card-check route to union representation is permitted under current law, employers have the choice to reject the results.

In other words, under current law, it's the employer's choice. Under the Employee Free Choice Act, it's the employee's choice.

This bill is urgently needed because some employers choose to fight unionization by intimidating workers, threatening to fire pro-union employees or close the plant. Making union certification mandatory when a majority of employees sign union cards would prevent illegal tactics intended to crush workers' efforts to bargain collectively.

James Madison famously wrote that "If men were angels, no government would be necessary." Madam Chairman, if all companies were angels, this bill would not be necessary.

Unfortunately, while some enlightened companies currently recognize the legitimacy of a union when a majority of their employees sign union cards, many do not.

Now is the time to give Americans the power they need to improve conditions in the workplace.

President Roosevelt told us: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

The Employee Free Choice Act is consistent with the American ideal that everyone—not just the privileged few—deserves the opportunity to improve their condition in life and build a bright, optimistic future for their children.

I urge an "aye" vote and commend Chairman MILLER for his work on this important legislation.

Mr. STARK. Madam Chairman, I rise today in strong support of H.R. 800, the Employee Free Choice Act. Passage of this seminal workers' rights legislation is long overdue.

During the past decade, union busting efforts have reached new heights. Greedy corporations hire high-priced lawyers and consultants to thwart organization drives and force existing unions out of the workplace. Employees are chastised, threatened and in the worst cases fired for exercising the freedom to form unions and bargain.

Business Week called the recent wave of union busting "one of the most successful anti-union wars ever." Their statement is borne out by the fact that only 7.9 percent of the private workforce is unionized, the lowest level since the 1920s.

Estimates suggest that 75 percent of all union organizing drives confront hired anti-union consultants. Here's the guarantee offered on one consultant Web site:

> You don't win, you don't pay. Here is bottom-line proof of our confidence in the persuasiveness of the NLRB Election Campaign Program. If your organization purchases an LRI Guaranteed Winner Package and the union becomes certified, Labor Relation Institute will refund the full cost of the package.

Why is collective bargaining so important? Wages for union employees are nearly 30 percent higher than for non-union workers. This wage difference often brings employees into the middle class, ending their struggle to stay above the poverty line. This is especially the case in construction and service jobs where employees in unions have 52 percent and 68 percent higher wages than their non-union counterparts. Unionized workers also enjoy better health care, pension and disability benefits.

The Employee Free Choice Act will level the playing field for workers who want to organize, but can't overcome corporate anti-union efforts. This bill provides a majority sign up process to authorize union representation, giving employees the confidence to choose representation without fear of reprisal. The bill also strengthens penalties against employers who engage in union busting activities.

While the days of union busting by physical violence may be behind us, the corporate greed that drives union avoidance is clearly alive and well. Our workers deserve better. I urge all my colleagues to join me in voting yes on the Employee Free Choice Act.

Mr. GUTIERREZ. Madam Chairman, I rise today to affirm my strong support for H.R. 800, the Employee Free Choice Act. I would like to thank my colleague, Chairman GEORGE MILLER, for introducing this important legislation to ensure that workers have the light to organize a union if they choose, without being subjected to workplace abuses, economic coercion or threats by their employers.

Union busting has become a lucrative industry at the cost of the American worker. When surveyed in 2006, a substantial majority, 58 percent, of eligible workers said that they would join a union if they could; however, union membership dropped below 10 percent in the private sector, bringing union membership to a record low. This discrepancy is directly related to the flawed National Labor Relation Board system as it applies to a fair and democratic election process.

Under the current NLRB system, employers are allowed to pressure employees into voting against the union during an organizing drive by using economic coercion and continual threats. It is common practice for union-busting employers to use direct supervisors to meet one-on-one with employees to compel them to vote against the union. Also, employees are often forced to attend mandatory anti-union lectures, while union representatives, under threat of termination, are not allowed to present their views to other workers at their employment site.

And the list of abuses goes on and on:

Twenty-five percent of employers illegally fire at least one worker for union activity during an organizing campaign;

Fifty-two percent of employers threaten deportation or other forms of retaliation during organizing drives that include undocumented employees;

And 51 percent of employers threaten to close their plants if the union wins the election, although only 1 percent actually will.

Worksite intimidation and economic threats create a hostile environment and eradicate the ability for a worker to make a fair and free decision. Workers are pushed out of an impartial election process because they fear for their livelihood and the economic stability of their families. The current system is far from democratic. It's unfair and it's wrong.

We need to fix this broken system to allow for workers to freely make their own choices at the workplace without fear of employer reprisal.

As a Representative from the great city of Chicago, a stronghold of working families and union struggles, I can speak to the benefits afforded to workers who choose to wield their collective bargaining power. The median weekly earnings of union workers are 30 percent higher in comparison to nonunion workers. This increase can pull a working class family out of poverty and strongly into the middle class.

Union workers also receive more benefits than nonunion workers. Only 2.5 percent of union workers go without health insurance coverage, whereas 15 percent of nonunion workers are uninsured. From health to disability benefits to pensions, joining a union provides a higher standard of living and secure benefits that may otherwise not be within reach of some employees.

Unions are essential to the fight for worker rights, and we must work to ensure that they can be formed without pitting employers against employees.

Workers must be allowed to choose freely whether or not they want to form a union—absent employer intimidation and economic coercion—and this is exactly what the Employee Free Choice Act will provide. This timely legislation will enhance working conditions and ensure a more equitable system in the workplace. The welfare of our working families and the future of our middle class depend on it.

I urge a yes vote on this historic and important legislation.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 800

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 ''Employee Free Choice Act of 2007''.

SEC. 2. STREAMLINING UNION CERTIFICATION.

(a) IN GENERAL.—Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

''(6) Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the Board shall investigate the petition. If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection (a).

''(7) The Board shall develop guidelines and procedures for the designation by employees of a bargaining representative in the manner described in paragraph (6). Such guidelines and procedures shall include—

''(A) model collective bargaining authorization language that may be used for purposes of making the designations described in paragraph (6); and

''(B) procedures to be used by the Board to establish the validity of signed authorizations designating bargaining representatives.''.

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL LABOR RELATIONS BOARD.—Section 3(b) of the National Labor Relations Act (29 U.S.C. 153(b)) is amended, in the second sentence—

(A) by striking ''and to'' and inserting ''to''; and

(B) by striking ''and certify the results thereof,'' and inserting '', and to issue certifications as provided for in that section,''.

(2) UNFAIR LABOR PRACTICES.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (7)(B) by striking '', or'' and inserting ''or a petition has been filed under section 9(c)(6), or''; and

(B) in paragraph (7)(C) by striking ''when such a petition has been filed'' and inserting ''when such a petition other than a petition under section 9(c)(6) has been filed''.

SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING AGREEMENTS.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h) Whenever collective bargaining is for the purpose of establishing an initial agreement following certification or recognition, the provisions of subsection (d) shall be modified as follows:

''(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

''(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

''(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under paragraph (2), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to an arbitration board established in accordance with such regulations as may be prescribed by the Service. The arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties.''.

SEC. 4. STRENGTHENING ENFORCEMENT.

(a) INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES DURING ORGANIZING DRIVES.—

(1) IN GENERAL.—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking ''If, after such'' and inserting the following:

''(2) If, after such''; and

(B) by striking the first sentence and inserting the following:

''(1) Whenever it is charged—

''(A) that any employer—

''(i) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

''(ii) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

''(iii) engaged in any other unfair labor practice within the meaning of subsection (a)(1) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7;

while employees of that employer were seeking representation by a labor organization or during the period after a labor organization was recognized as a representative defined in section 9(a) until the first collective bargaining contract is entered into between the employer and the representative; or

''(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(e), or section 8(b)(7);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.''.

(2) CONFORMING AMENDMENT.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended by inserting ''under circumstances not subject to section 10(l)'' after ''section 8''.

(b) REMEDIES FOR VIOLATIONS.—

(1) BACKPAY.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking ''And provided further,'' and inserting ''Provided further, That if the Board finds that an employer has discriminated against an employee in violation of subsection (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract was entered into between the employer and the representative, the Board in such order shall award the employee back pay and, in addition, 2 times that amount as liquidated damages: Provided further,''.

(2) CIVIL PENALTIES.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking ''Any'' and inserting ''(a) Any''; and

(B) by adding at the end the following:

''(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsections (a)(1) or (a)(3) of section 8 while employees of the employer are seeking representation by a labor organization or during the period after a labor organization has been recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract is entered into between the employer and the representative shall, in addition to any make-whole remedy ordered, be subject to a civil penalty of not to exceed $20,000 for each violation. In determining the amount of any penalty under this section, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest.''.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–26. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–26.

Mr. KING of Iowa. Madam Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KING of Iowa:

At the end of the bill and insert the following:

SEC. 5. PRESERVATION OF EMPLOYER RIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace, a practice commonly referred to as ''salting'', has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act was enacted and threatens the balance of rights which is fundamental to our system of collective bargaining;

(2) increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both; and

(3) while no employer may discriminate against employees based upon the views of employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

(b) PRESERVATION OF EMPLOYER RIGHTS.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding after and below paragraph (5) the following: ''Nothing in this subsection shall be construed as requiring an employer to employ any person who seeks or has sought employment with the employer in furtherance of such person's other employment or agency status.''.

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, my amendment is an amendment that is adapted from a piece of legislation that has actually passed this Congress in the past and is called the anti-salting legislation. And a salt is when a union often has an employee on their payroll, sends them to accept employment at a non-union operation, where their purpose there is to organize in favor of the union. It is really kind of a spy technique to define it.

My amendment is actually pretty plain and pretty simple. And the operative language in it is that: Says nothing shall require an employer to hire an employee if that employee is in furtherance of some other employment or agency status.

That is the standard that is in the legislation. And I would point out that this puts the employer in a very, very difficult spot. They will often be able to identify the salts that get lined up, and some of the practices that take place will be there will be companies that will have expansion opportunities, and perhaps they want to hire 100 employees and they have got the demand to do that, but they are afraid that they will be targeted by what I will consider to be labor organization practices that are designed to take grievances before the NLRB for the purposes of organizing within that company, and if they can't get organized within the company, then they are willing to take the company down, as exemplified by CR Electric's $80,000 costs, Construction Electric forced out of business, $32,000 in costs.

Titus Electrical Contracting spent over one-half million dollars defending themselves against baseless charges. These things happen. And when an applicant comes forward before a merit shop employer and that applicant is clearly a salt from the union, then it puts the employer between the devil and the deep blue sea. He has two choices: He can either decide not to hire the employee, in which case there will be trumped-up charges bought to the NLRB which will cost them money; or, he can decide to take his medicine and do the hire, in which case if he does the hire, he knows that he has got an organizer there.

Now, I support labor organizations' ability to do that. They have a right to collectively bargain. And that should be in place in this country and it is, and I am philosophically in support of it as well. But we can't be allowing these kind of tactics.

This amendment is a simple piece of legislation.

Madam Chair, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ANDREWS. Madam Chair, can the gentleman reserve the balance of his time?

The Acting CHAIRMAN. Yes. Under the rule, the gentleman may reserve.

Mr. ANDREWS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Madam Chair, I yield myself 2½ minutes.

I oppose the amendment. First of all, let's make it very clear that salting, the practice the gentleman addresses, is legal. What is not legal are disruptive practices if one is working for an employer, as they should be illegal.

The gentleman's amendment frankly offers a breathtaking introduction of a discriminatory practice in the statutes of the country. If I read the amendment correctly, an employer could refuse to hire someone simply because someone is in a union. So let's think about the facts that would be involved here.

Let's say a person works part-time for a grocery store, and as a part-time worker they become a member of the union at the grocery store.

□ 1330

Then they go to apply for a job at a telecommunications company. As I read the amendment, the telecommunications company could refuse to hire the individual who worked in the grocery store, who is a member of the union, simply because the person was a member of a union.

This is a remarkable precedent. It basically suggests that by being a member of an organization, you subject yourself to discrimination. I think if the gentleman would think about someone else's ox being gored, he would understand what's wrong with this.

If an employer said we won't hire someone because you have been in the chamber of commerce, you have a pro-business attitude, we would be offended by that. If someone said we are not going to hire you because you have been in the National Rifle Association, we think there is something wrong with that, I think we would be offended by that.

There is no functional difference between what the gentleman is proposing and those discriminatory scenarios. The purpose of our law is to prohibit discrimination, not sanctify it. I believe that this would be a breathtaking departure from the tradition of American law where we discourage discrimination rather than make it a part of our statutes.

Salting is legal. Disruptive behavior is illegal. It stays ''illegal'' under the bill before us. But if the gentleman's amendment were adopted, discrimination against someone simply because the organization he or she is a part of, would become legal. That is a very, very unwise policy.

I oppose the amendment.

Madam Chairwoman, I reserve the balance of my time.

Mr. KING of Iowa. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

Mr. KING of Iowa. Madam Chairwoman, I yield 30 seconds to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairwoman, as much as I appreciate my friend from New Jersey's comments, in the committee we had a different amendment which said that nobody hired in the last 30 days before an election could vote, and then we wouldn't have had to be discriminatory. But, of course, that was defeated unanimously on the Democratic side.

This amendment tries to address it in another way, because we weren't allowed to address it in the other way, and it was defeated. I support this because, in fact, people who aren't committed to the company come in for the sole purpose of unionizing, and we haven't been allowed to address it in any way.

Mr. ANDREWS. Madam Chair, I yield myself 30 seconds.

My friend from Indiana, I would ask if I have in any way misstated the amendment, that what I say about the amendment, is it accurate or inaccurate?

Madam Chairwoman, I yield to my friend from Indiana if he cares to answer. Is my characterization accurate?

Mr. KING of Iowa. If the gentleman would yield.

Mr. ANDREWS. I am yielding to the gentleman from Indiana who made the point.

Mr. SOUDER. I will let Mr. KING explain the particulars, but my understanding is we have tried several ways

to address this problem, and this is the only one that was allowed to be voted on.

Mr. ANDREWS. I think my characterization is accurate.

Madam Chairwoman, we reserve the balance of our time.

Mr. KING of Iowa. Madam Chair, I yield 1 minute to the gentlelady from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Madam Chairwoman, union salting is used by labor union bosses to deliberately insert one of their members into a nonunion company, very often to simply destroy the business.

A ''salt'' typically employs tactics such as sabotaging equipment in work sites, deliberately slowing down work, and intentionally creating unsafe working conditions and filing frivolous unfair labor practice complaints or discrimination charges against the employer.

The brutal practice of salting is extremely harmful to an employer who is acting in good faith and wants to provide a service, make a living and create jobs and provide wages for a family in a community. This is why we must put an end to the destructive practice of salting, which is why I urge my colleagues to support Representative KING's amendment.

Mr. KING of Iowa. Madam Chairman, I reserve the balance of my time.

Mr. ANDREWS. I would ask the gentleman if he has further speakers. We will reserve our right to close debate on the amendment.

Mr. KING of Iowa. My response would be I have no further speakers and 1 minute remaining.

The Acting CHAIRMAN. The gentleman from New Jersey has the right to close.

Mr. ANDREWS. We would continue to reserve our time.

Mr. KING of Iowa. Madam Chair, first in response to the gentleman from New Jersey, the language that is operative here that addresses the union membership issue that you raise says, ''in furtherance of such person's other employment or agency status,'' so they could hold two union jobs as long as the purpose of the one was not to undermine the organizations of the other.

I have lived with union salting. I have seen it happening. I have seen scraper operators with a load of dirt drive into the mud hole, and then when we pushed him, went to push him out, they would put it into neutral and step on the fuel and act like they were trying, but they weren't. They were slowing down the operation before a union vote. I lived through this.

I understand what union salting is. I support the organization of a union's ability, but I do not support the devil's choice that is given to the employer that takes down small businesses, breaks companies.

We can't have that kind of thing in this country. The devil's choice, the spot between the devil and the deep blue sea, is where they find themselves. This lets an employer make a choice at the hiring as to whether that employee represents themselves for the job for the employment. Of course, they should have the job if they are otherwise qualified.

This salting bill passed this House of Representatives in March of 1998 with a significant margin. We will have a vote up today on that. I appreciate that.

Mr. ANDREWS. Madam Chairman, I yield the balance of our time in opposition to the chairman of the committee, Mr. MILLER.

Mr. GEORGE MILLER of California. Madam Chairwoman, I think the gentleman from New Jersey has explained this quite correctly. This allows you, because of your membership in a union, to be discriminated against in the employment.

The actions that the gentleman says that he wouldn't like to have take place are actions that are already illegal under the law. You don't get to disrupt the workplace. You don't get to engage in those kinds of activities, and that's the way the law is written.

This is just simply a broad discriminatory practice against the employment, or it allows the nonemployment of individuals who are members of the union. At very best, under the best interpretation, what this employee would buy themselves if they go to seek a job is they would get themselves a lawsuit. They would have to sue for the right to be employed in a workplace.

You know, a job today in America is not a luxury; it is a necessity. This is just part of the harassment of individuals who believe in the organization of the workplace. This is just one more of the harassment, and now they want to put this one into the statutes of the United States.

We should vote against this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–26.

Ms. FOXX. Madam Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. FOXX:

Page 4, line 16, strike ''and''.

Page 4, line 19, strike the period, closed quotation mark, and second period at the end and insert ''; and''.

Page 4, after line 19, insert the following:

''(C) procedures and a model notice by which an individual can request that the labor organization not recruit or solicit for membership, distribute information or material to (whether by mail, facsimile or electronic mail, in person, or by any other means), communicate with, or attempt to communicate with or influence that individual with respect to any question of representation or the exercise of the individual's rights under section 7.''.

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chairman, I appreciate the opportunity to speak in support of this amendment, which we are calling Do Not Contact Amendment to H.R. 800, which I agree is the Employee Intimidation Act.

I strongly oppose H.R. 800 in its current form, and that is why I have submitted this amendment. This amendment requires the National Labor Relations Board to promulgate standards and a model notice for an employee to put him or herself on a Do Not Contact list to avoid union solicitation. This will really test whether the opposition believes what they have just been saying in the last few minutes.

By removing workers' rights to a private ballot election, we are consequently leaving those workers vulnerable to coercion, pressure, outright intimidation and threats. But if we have a Do Not Contact list, then they can avoid the intimidation and threats.

Let me illustrate the need for a Do Not Contact list by quoting from the testimony of Tom Riley, employee of Cintas Corporation in Pennsylvania, before the Subcommittee on Employer-Employee Relations, House Committee on Education and the Workforce on September 30, 2004:

''But I draw the line, Mr. Chairman, when union organizers come to my house on a Sunday afternoon telling my wife that they were with the company and needed to talk with me. When I came to the door, they admitted they were really with the union and started trying to tell me all sorts of bad things about Cintas. I told them to leave, and they eventually did.

''I called a friend of mine from work, and he said they had been to his house too. What is disturbing is that I have an unlisted telephone number and address on purpose. I don't like the fact that union organizers are now coming to my door lying to my wife about who they are and what they want.

''I have since learned that the union may have gotten my personal information illegally by copying down my license plate number and getting information from the State's vehicle registration files, which we understand is a violation of the Federal Driver's Privacy Protection Act. In one case there is a co-worker who doesn't live with his parents, but the car he drives was registered at his parents' address, and his parents got visits by union organizers.

''That is why several of my fellow employees and me, along with a number of our family members, have filed a lawsuit against the unions for what we believe they have done in violation of Federal law, and it appears that the unions have been doing this to other employees in other parts of the country too.''

Madam Chairman, this is why I think Congress must consider the Do Not Contact amendment to further protect American workers.

Madam Chairman, I yield 2 minutes to my colleague from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentlelady for yielding.

Madam Chairman, I rise in strong support of her amendment. I thank her for her effort in bringing this amendment to the floor.

This amendment was crafted with a simple principle in mind. If a worker wants to be free of union solicitation, he or she should have the free choice to ask not to be contacted. During our committee debate, it was said by several Members on the other side of the aisle that the men and women making union decisions are adults and should be left to make up their own minds without outside interference.

I totally agree, and that is why this amendment is so important. It provides the opportunity, real free choice, the choice of whether to listen to and engage in union organizers or to tell them to leave you alone. Much like the highly popular Do Not Call list, which places the power in the consumers' hands, this amendment places the power in the workers' hands, where it should be; and I urge its adoption.

Ms. FOXX. Madam Chairman, I reserve the balance of my time.

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. I yield myself 2½ minutes.

Madam Chairman, this amendment is unnecessary. It is unfair, and I believe it is unconstitutional, and it should be opposed.

If there are practices where union employees are coercing workers to sign cards or sign a petition, those practices are illegal and will remain illegal after this bill is passed. Under section 6 of this bill, if there are circumstances where union organizers are coercing or intimidating people to try to get them to sign a card or cards, the labor board would presumably find those efforts to be invalid, and the card would be invalid, so the amendment is unnecessary.

It is unfair in this respect. It is rather remarkable, the ranking member of the full committee just talked about adults being able to protect themselves against certain circumstances. I see no amendment from the minority that says that workers could be free from going to one-on-one meetings with their supervisors. I see no amendment from the minority that says that workers could be free from being forced to attend captive meetings where their employer has all the say and the union has none of the say.

I see no amendment that indicates there would be a strengthening of protection against firing people during an organizing drive for which there is a strong record that this is happening on a regular basis.

I further believe the amendment is probably unconstitutional. The amendment says that it outlaws efforts to ''communicate with individuals with respect to questions of representation.'' As I read this, if the union took an ad in a newspaper that encouraged people to sign a card and join a union, that is an attempt to communicate with an individual about the question of union representation.

We have a principle and constitutional interpretation in this country, where overly broad prohibitions against speech are presumptively invalid. This is an overly broad, and, I believe, presumptively invalid prohibition against free speech.

The amendment is unnecessary, it is unfair, it is unconstitutional. It should be defeated.

Madam Chairwoman, I reserve the balance of our time.

Ms. FOXX. Madam Chairwoman, last week I said in the committee that I have never in my life seen language twisted in issues and ideas twisted in the way that they have been twisted in response to this bill. I said that Congress has often been described as a circus, and if this were a circus, then the people on the Education Committee who support this bill would surely be in the contortionist area of the circus, because contorting the language to say that taking away the right to a secret ballot is more democratic than the right to a secret ballot is the most unbelievable language that I think I have ever heard on the floor.

□ 1345

And I think this has to be one of the worst bills that has ever been introduced in the Congress. And I want to say that at least, by passing my amendment, we could avoid harassment and intimidation by the unions. And I know that that occurs. And we could at least allow people the freedom to be not bothered by the union people who, the only way of getting this done is to harass people to sign a card.

Mr. ANDREWS. Madam Chairman, I yield myself 15 seconds and, once again, point out that a group that is opposed to this bill has scoured the record and over 60 years of history has found only 42 instances of illegal behavior by union organizers.

Madam Chairman, I yield the balance of our time in opposition to the amendment to the chairman of the committee.

Mr. GEORGE MILLER of California. Madam Chairman, you look at this amendment and you realize this is just another piece of the continued effort by which the party on the other side is fully prepared to diminish the rights of workers to have access to information about an organization that may help them in the workplace. But, you know what?

If the employer wants to bring that worker in and sit him down on a one-to-one meeting with the supervisor, with the owner of the company or the Board of Directors, if he wants to take them off of their job where they may be getting paid for productivity and explain to them why they shouldn't join the union and all that, there is nothing to protect that employee there. There he is sitting with the person who can fire them. There he is sitting with the person who fired over 35,000 people or docked their pay or did some other illegal action against them because they said, well, I think I might still want a union.

But if the union wants to go out, if other employees want to talk to their fellow workers about this, you have no opportunity to communicate. And then you are supposed to go into an election. But one side doesn't get any opportunity to communicate.

That is an interesting theory, that those with all of the power in this arrangement, those with the authority to hire and fire, they get unlimited access. But here, you may get, on break time in the break room you may still have a little tiny bit of access for the union, but they can't talk to a person out there because they could take them off the list.

What do you think the first thing is the employer might suggest to the employees when they hear that there is a union effort in the company? Put yourself on the Do Not Call List. Joe, did you put yourself on the Do Not Call List yesterday? Because then the employer knows immediately that the union no longer has access. Just another form of intimidation, just another form of a kind of arbitrary power over the employees, just one of those little things that the anti-union consultants will tell the employer to check off.

Make sure you told your employees to sign up for the Do Not Call List. Make sure you run down that list, find out who signed up and who didn't, get that list clean, because if we ever get that list, if we can get 100 percent, then the union has no access to them. It is a wonderful tool in the name of democracy you want to put into the hands of the anti-union campaigns.

No, it is very unfortunate that they simply won't allow workers to make this decision, the decision that is accommodated and allowed and provided for in the law of whether or not they want an NLRB election, or they want a majority sign up. They are not going to do that. And so fearful of the decision that the employee might make, they have decided to insulate the employee from the campaign and put them off limits to anybody except the employer.

No, this amendment should not be supported at all, and I urge its defeat.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–26.

Mr. MCKEON. Madam Chairman, I offer my amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCKEON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secret Ballot Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the right of employees under the National Labor Relations Act to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law;

(2) the right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality; and

(3) the recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. 3. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively and inserting after paragraph (2) the following:

''(3) to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9;''.

(2) APPLICATION.—The amendment made by subsection (a) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized before the date of the enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)), as amended by subsection (c) of this section, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.

(c) SECRET BALLOT ELECTION.—

(1) IN GENERAL.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by inserting after ''designated or selected'' the following: ''by a secret ballot election conducted by the Board in accordance with this section''; and

(2) APPLICATION.—The secret ballot election requirement of the amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of this Act.

SEC. 4. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated before such date to implement the amendments made by this Act to the National Labor Relations Act.

The Acting CHAIRMAN. Pursuant to House Resolution 203, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Madam Chairwoman, I yield myself such time as I may consume.

While serving in the House, our former colleague, Congressman Charlie Norwood, was a tireless advocate for the right to vote through a private ballot, and he introduced this legislative language last month as the Secret Ballot Protection Act. I offer this amendment with Charlie in mind.

The Secret Ballot Protection Act would insure that an employee has the right to a private ballot, free from intimidation and coercion. By contrast, the so-called ''Employee Free Choice Act'' would take away that right and make every employee's vote completely and utterly public to everyone.

A private ballot insures that no one knows who you voted, not your colleagues, not your employer, and not the union organizer. This is a fundamental democratic right our constituents enjoyed last November, and it is a fundamental democratic right that Americans have come to expect. That right should never be taken away from them, whether at a polling place, in a congressional election, or in the workplace.

Polls of union members confirm that they agree that the fairest way to decide to unionize is through a secret ballot election. For example, according to a poll conducted a few years ago, 71 percent of union members agreed that the current secret ballot process is fair. And 78 percent of union members said that Congress should keep the existing secret ballot election process in place and not replace it with another process.

And earlier this year, another poll was released demonstrating the same type of strong support for secret ballot elections among all Americans. 87 percent of those polled agree that ''every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union.'' And as a result, 79 percent oppose the so-called ''Employee Free Choice Act.''

The Supreme Court also agrees that a secret ballot is the best way to determine support for a union in the workplace. The 1969 Gissel Packing decision states a secret ballot election is the ''most satisfactory, indeed, preferred method of ascertaining whether a union has majority support.''

Unions agree too. In fact, they have passionately insisted on a secret ballot election in decertification elections. In those instances, they called the secret ballot a ''solemn'' occasion, imperative to preserving ''privacy and independence.''

And yes, even some sponsors of the underlying bill agree, according to their now infamous 2001 letter to Mexican labor officials. In that letter, they stated very plainly that the ''secret ballot is absolutely necessary in order to ensure workers are not intimidated.'' And I couldn't agree more.

Madam Chairwoman, this amendment is offered in exactly that spirit, and I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 15 minutes.

Mr. ANDREWS. I yield myself 1 minute.

Madam Chairman, I would like the RECORD to reflect a couple of points.

First of all, with respect to this continued phrase about a public ballot. The card is not a public document. When the card is collected by the organizers it is turned in at some point to the Labor Board for certification.

Second, this public opinion poll that keeps being referenced, or these polls that keep being referenced, none of the respondents to these polls were party to the information about the systemic pattern of coercion that has taken place in the workplace and asked questions, I believe, that were rather loaded.

And finally, on the issue of decertification, the fact of the matter is that the law today gives an employer the right to refuse to bargain with and recognize a union if there is a manifestation by a majority of the workers that they no longer wish to be recognized. There doesn't need to be a vote before an employer can choose not to recognize the union.

Madam Chairman, at this time, I would like to yield 2½ minutes to the

gentlelady from New York City, Brooklyn, more specifically, Ms. CLARKE.

Ms. CLARKE. Madam Chairman, the Employee Free Choice Act serves as a remedy to the squeeze on the middle class, due, in part, to the large scale erosion of workers fundamental freedom to bargain for better wages and benefits. Over the last several decades, workers' rights have come under increasing attacks. Even though workers in the United States under the National Labor Relations Act have the right to organize and collectively bargain, violations of these rights include the firing of employees for union activity.

In committee, Madam Chairman, we heard testimony of witnesses who spoke either in support for or against the bill on the House floor today. I find it difficult to understand how, in good conscience, Americans who, a generation before benefited from union activity, would be this opposition to this bill.

During organizing campaigns, 25 percent of employers illegally fire at least one worker for union activity.

The chance that a pro union worker activist is fired for his or her union activity today is now 1 in 5.

78 percent of employers in organizing drives forced employees to attend one-on-one meetings against a union with their own supervisors, and 92 percent of the employers forced employees to attend mandatory captive audience meetings against the union.

75 percent of the employers in organizing drives hire consultants or other union busting firms to fight the organizing drive.

The middle class squeeze has created a human rights crisis in this country. The Nation, the economy, and the employees benefit from the workers having the freedom to join together to bargain for better wages and benefits.

I wanted to just take a moment today because this piece of legislation will now bring justice to what has been a real injustice to the American people. I had the occasion to sit in on our committee hearings. Today I just wanted to bring to everyone's memory a gentleman named Mr. Ivo Camilo. He worked for the Blue Diamond Company for 35 years. He signed a letter with 58 coworkers saying that they wanted the right to organize and wanted that to be respected. A week later, Mr. Camilo was fired.

Today I cast my vote on behalf of Mr. Ivo Camilo, who sacrificed for each and every American the right to organize. He sacrificed his livelihood for all of us and for future generations. Thank you very much, Mr. Camilo.

And I urge all of my colleagues to vote ''yes'' for this legislation.

Mr. MCKEON. Madam Chairwoman, I am happy to yield at this time 5 minutes to the gentleman from Missouri (Mr. BLUNT), our minority whip.

Mr. BLUNT. Madam Chairman, I appreciate having the time. I appreciate the leadership that my good friend from California has shown on this issue.

Madam Chairman, Members, many of us in this Chamber have been reminded over the years, some of us more frequently than others, that elections don't always yield the most convenient results. But as unpredictable and, at times, disappointing as their outcomes can be, for some reason we keep holding them, and we go to extraordinary lengths to ensure that basic conditions of privacy and integrity are properly observed and protected. The reason we do that is not that we are gluttons for punishment, that we want to go back facing the disappointment of not being successful on election day. It is that, in our democracy, secret ballot elections represent an essential mechanism for establishing legitimacy. We recognize elections as the fabric that holds our democracy together.

□ 1400

Lose an election, and you tend to ask yourselves plenty of questions. Most of us, though, after all the soul searching we do, don't decide that one of those questions is answered by the idea that next time we just simply fail to hold the election. We understand that that is not one of the options we have.

The advocates of the underlying bill say we should suspend a worker's right to register his or her choice by a secret ballot and replace it with a system in which workers would be forced to publicly declare their preference to friends and to co-workers through a series of cards that would be collected. Mr. MCKEON's amendment, before that, the bill introduced in previous Congresses by our friend, Mr. Norwood, says that we must have, in all instances, a secret ballot election.

Which system is more vulnerable to peer pressure and intimidation? An anonymous secret ballot election overseen by the National Labor Relations Board, or a public declaration of whether you want a union or not.

There was a time in this country when you had to publicly go to every polling place in America and cast your ballot publicly, audibly or visually, so that everybody in the polling place knew how you voted. But over a century ago, one of the great reforms in this country was that that system would never be allowed to happen again. And one by one the States adopted secret ballot elections as one of the great reforms that has protected our democracy.

We have already heard, probably more times in this debate than anybody would want, the lead sponsor and his comments about secret ballot elections in Mexico just a few years ago.

There was a day when labor advocates like Senator Robert LaFollette and the AFL founder, Samuel Gompers, toured the country in a push for more open, more voluntary standards for joining a union. And in every case, they fought for the right of a secret ballot, the very privileges the sponsors of this bill say today are no longer needed.

The former chairman, the ranking member's amendment, says let's defend the secret ballot, let's protect the workers' right to cast their vote in privacy. Support this amendment. Oppose the bill. Stand up for democracy as we vote today.

Mr. ANDREWS. Madam Chair, at this time I am pleased to yield 2 minutes to a new Member making quite an impact, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Chair, it is my honor to be on the committee that has brought this bill forward, and I urge my fellow Congressmen and -women to say ''yes'' to this bill.

What this bill is doing is finally representing the working men and women of America. It is finally giving them an opportunity to once again regain a decent wage and to regain benefits.

It is critical for our country and for our middle class to have this bill passed, but there is reason for this also. Because when people have worked in factories before without union representation, they worked under extremely difficult circumstances.

In the early 1970s, I worked in a factory during the summers when I was in college. And I saw people come in and try to form a union, and I saw them get fired as soon as they heard about it. And so the people who had to work there day after day, year after year had to suffer under some pretty terrible conditions that most people would not accept.

So the union is critical and the support for it is critical. But I also support the idea that people can vote out in public. And I vehemently disagree that this will in some way harm individuals. I live in New Hampshire; and in New Hampshire, many of the towns still have town hall meetings. You stand there publicly and you vote. And nobody experiences any great tragedy for speaking as a body and as an individual in that body to say what direction they want their town to go in. This has been part of our history from the very beginning, and I am proud to endorse this bill.

I urge my colleagues to vote ''yes.''

Mr. MCKEON. Madam Chairwoman, I am happy to yield at this time 3 minutes to the former Speaker, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. I thank the Chairman.

Madam Chairman, just months ago, after voters went to the polls and elected myself and my colleagues through private ballot elections, Democrats today are attempting to strip that basic right to cast a private ballot from the American worker.

The right to vote in America, regardless of race, regardless of religion, regardless of gender, is a right that has been fiercely fought for and protected. The right to keep that vote private is fundamental to the success of any democracy.

The current system in place for union elections is fair. The NLRB has detailed procedures in place to ensure a fair election, free of fraud, where workers can cast their votes in private, without fear of coercion from business or labor.

A recent poll shows that almost nine in 10 voters agree that every worker should continue to have the right to a federally supervised secret ballot election when deciding whether or not to organize a union.

In 2000, we had the closest national election in our Nation's history. Many of my colleagues, particularly those on the other side of the aisle, demanded reforms to ensure to the greatest extent possible that every vote will be counted, and that to the greatest extent possible that every vote has the integrity of the ballot box. That election highlighted the needs for election reform, and we acted.

This House passed the Help America Vote Act to help ensure free and fair elections for years to come. We wanted to protect the confidence so that when every American goes to the ballot box, it will be secret, they won't be intimidated, and their ballot will be rightfully counted. However, today on this floor, the same people who pushed for voters' rights back then are now trying to abolish them. This bill will only erode the American public's confidence in the democratic process.

So why do labor unions want to fix a system that isn't broken? Because it tips the scales to their advantage and to disadvantage workers. How much did labor unions have to pay to pass this irresponsible bill through Congress? $60 million. For this, their reward is to silence the voice of American workers.

If Democrats were really concerned about the well-being of our labor force, they would instead work to protect workers against the violence that often erupts as a result of labor elections. Federal courts have held that some union activities are exempt from the Hobbs Act, including violence. As a result, incidents of violence, assaults have gone unpunished.

The so-called Employees Free Choice Act could increase violent, nonunion intimidating tactics. The bill would publicize workers' votes, and even further expose them to possibility of retaliation.

Democrats are trying to eliminate democracy in the workplace. This bill strips away a worker's voice and increases the likelihood that workers will be threatened and harassed.

Madam Chair, I urge my colleagues to vote to protect and defend our workers. Support the McKeon substitute and vote ''no'' on H.R. 800.

Mr. ANDREWS. I am pleased to yield 2 minutes to my friend from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Chairman, I thank my colleague. And as an alumni of the Education and Labor Committee, I appreciate the time today.

Madam Chairman, I rise in strong support of this legislation and oppose the substitute. I applaud the chairman and members of the Education and Labor Committee for their work on this bill.

We have a problem in our country. When I was growing up, we always heard the rich get richer and the poor get poorer, but we know now that we have a disparity between the richest and the poorest in our country that is getting bigger every day.

The Employee Free Choice Act gives employees the protections they need to form unions and provide mediation and arbitration for first contract disputes. This is the first step to try and lower that disparity, where people can organize together and actually improve their living standard.

I am pleased, also, that section 3 of this bill includes language that I have worked on for many years by incorporating language from our bill, H.R. 142, the Labor Relations First Contract Negotiation Act. The bill requires an employer and a union to go to Federal Mediation and Conciliation Service, FMCS, for mediation for agreements not reached within 90 days or either party wishes to do so.

So we don't have these year-long discussions about trying to get a contract. If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration will be binding on both parties for 2 years.

So we will see contracts, after we have the elections, where there are elections or card checks. We have seen numerous examples in the Houston area of elections taking place, and then there is a long delay in the negotiation process.

As a whole, this legislation is a huge victory for workers and employees across the country and can help us with the wage gap between the highest paid and the lowest paid in our country. Joining together in a union to bargain for better wages, benefits, and working conditions is the best opportunity for working people to get ahead and is a part of the true free enterprise system that we say we are for.

Today, good jobs are vanishing and health care coverage and retirement security are slipping out of reach. Employees who belong to unions earn 30 percent more than nonunion workers. They are 60 percent more likely to have employer-based insurance and four times more likely to have pensions.

Madam Chairman, I rise in strong support of this legislation and oppose the substitute. I applaud the Chairman of the Education and Labor Committee for his work on this bill. We have a problem in our country—as a child I heard the rich get richer and poor get poorer. This bill helps correct that problem. The Employees Free Choice Act gives employees the protections they need to form unions and provides mediation and arbitration for first-contract disputes.

I am pleased Section 3 of this bill includes language I have worked on for many years.

By incorporating language from H.R. 142, the Labor Relations First Contract Negotiations Act, the bill requires an employer and a union to go to the Federal Mediation and Conciliation Service (FMCS) for mediation if an agreement is not reached in 90 days and either party wishes to do so.

If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration, and the results of the arbitration will be binding on the parties for two years.

We have seen numerous examples in the Houston area of elections taking place and then there is a long delay in the negotiation process.

As a whole this legislation is a huge victory for workers across the country and can help with the wage gap between the highest paid and the lowest paid in our country.

Joining together in a union to bargain for better wages, benefits and working conditions is the best opportunity working people have to get ahead and is a part of true free enterprise.

Today, good jobs are vanishing and health care coverage and retirement security are slipping out of reach.

Employees who belong to unions earn 30 percent more than nonunion workers.

They are 60 percent more likely to have employer-provided health coverage and four times more likely to have pensions.

We need to ensure protections are in place to allow employees to form unions without harassment so that they can negotiate for the well being of themselves and their families.

Madam Chairman, this legislation will provide workers with these protections and I urge my colleagues to join me in supporting the Employee Free Choice Act.

Mr. MCKEON. Madam Chairwoman, might I inquire as to the time.

The Acting CHAIRMAN. The gentleman from California has 5½ minutes. The gentleman from New Jersey has 8 minutes remaining.

Mr. ANDREWS. At this time, I would like to yield 2 minutes to a member of the subcommittee, Mr. HARE.

Mr. HARE. I thank the gentleman.

Madam Chairman, there has been a lot of talk here about the last election. And my friends on the other side of the aisle were talking about the secret ballot. The reason that they lost the election wasn't because they had the secret ballot. They lost the election because they lost sight of what they were here to do, stand up for ordinary people, fight for them.

It took the Democrats a little less than 2 weeks to raise the minimum wage. My friends on the other side of the aisle had this Chamber for 12 years and couldn't get it done.

We are standing here today, and I mentioned earlier that I organized a plan. I have been there and I have done that. I worked on the J.P. Stevens boycott, where the foreman would literally follow the employee to the restroom to make sure she or he was not taking an unauthorized break. Someone would show up at the hospital, if they were injured, at the emergency room to tell the employee, if you don't show up for work tomorrow, you are fired.

My friends, we have heard a lot of talk today, but actions speak much

louder than words. For 12 years, my friends on this side of the aisle have had a chance to improve workplace safety and they haven't done it, a chance to strengthen workers' rights. And you would swear today that they are the champion of ordinary people giving them the breaks. Well, for 12 years we have watched. Today, we act.

I will put my card in. I will vote ''yes'' for all of the people who want a fair shake, an opportunity to join a trade union, to have health insurance and better benefits.

It didn't take us 12 years, my friends, to understand. And trust me when I tell you, we will pass this legislation. And as the end of the movie ''The Inheritance,'' the movie that formed my stance on unions, an older man looks into the camera, and he says, you think this is the end? My friends, this is only the beginning.

Mr. MCKEON. Madam Chairwoman, I am happy now to yield 1 minute to the gentleman from Georgia, a member of the committee, Mr. PRICE.

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

Mr. PRICE of Georgia. Madam Chairman, the previous speaker said this is only the beginning. That is our concern, and that is the concern of the American worker.

Our friends on the other side of the aisle have said that people can get fired when they show an interest in either signing up or supporting a union. Well, it is curious. In our committee we heard from Ernest Bennett, who is the director of organizing For UNITE, a union, who told a room full of organizers, while he was organizing this union, during a training meeting for the Cintas union, that if three workers weren't fired by the end of the first week of organizing, that UNITE wouldn't win the campaign. Madam Chairman, facts are tricky things.

So when did the rights of American workers become so dispensable? When did allowing Americans to decide in private how they would make decisions that affect their life become expendable? A party that claims to be a voice for American workers is going to silence them in one quick vote. It is shameful and it is saddening. And it is even more disturbing that some of our friends on the other side of the aisle feel that Mexican workers deserve more rights than workers here in America.

Madam Chairman, I support Charlie Norwood's bill. A secret ballot protects all and preserves democracy and defends the American worker.

Mr. ANDREWS. Madam Chair, we have no other speakers on our side. We reserve the right to close. And if my colleagues would like to do so, we would yield to them. We will reserve our time.

□ 1415

Mr. MCKEON. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Chairman, we have heard people on the floor today say basically that eliminating the secret ballot will not affect the ordinary worker's rights.

Madam Chairman, some of us grew up in schools that were public schools, being taught by teachers who were members of the Democratic Party. I loved those teachers and they were very honest people, and they said and they taught and they drilled into us the secret ballot was one of the most important developments in democracy. It separated the United States from other totalitarian and dictatorial governments.

Now I have people coming here on the floor that I don't know as well as my beloved teachers saying those teachers were mistaken or lying, they don't know what they are talking about. And what I am getting to believe is, this isn't up for the ordinary workers, this is playing to the officers of hard-working American union members.

I would submit when we have people say in letters and on the record that the secret ballot is important to avoid intimidation, when they would come to my courtroom they used to ask, are you lying then or are you lying now. I won't ask.

Mr. MCKEON. Madam Chairman, I am happy to yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Chairman, in this body, everyone is allowed an opinion. My opinion is I am going to vote to preserve the secret ballot and I will vote for Ranking Member MCKEON's amendment.

But I think we also have to recognize that truth has to be told. Just a moment ago, I heard one of my colleagues say that Republicans hadn't raised the minimum wage in the 12 years they were in the majority. Of course, 1997 was in those 12 years. That was the last time it was raised, and 2006, this body, Republicans led to raise the minimum wage. It didn't get out of the Senate. That happens.

Interestingly, Members taking credit for raising the minimum wage, it has only left the House. It hasn't gone one inch further than it did in the last Congress, when Republicans led the way to raise the minimum wage. So, please, you are entitled to your opinion, but not your facts.

I am concerned today that on a partisan basis, the Democratic Party, here and on other initiatives, including looking into putting a disclosure requirement when a preacher in a church says, ''I think you ought to vote your conscience,'' that is going to become public if they have the disclosure.

I think there is a pattern of trying to make public for purposes of intimidation, and all I can say is shame on the Democratic Party.

Mr. MCKEON. Madam Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I think it is important to sort out what this debate really is about. It is not about union workers and it is not about unions. I understand people who support unions and union workers. What this debate is about is too much power for unions. Don't take my word for it. Listen to The Los Angeles Times.

''Unions once supported the secret ballot for the organization elections . . . Whether to unionize is up to workers. A secret ballot ensures them that their choice will be a free one.''

You simply cannot come to this floor and say this bill is balanced or fair, because it does not treat both sides right. If you want to decertify a union, that is a secret ballot under this bill. If you want to create a union, it has to be by card check. Why isn't it extended to both issues?

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I appreciate the debate that we have had here today. I think everybody at this point understands, as Mr. GOHMERT just reminded us, I remember learning as a young student in school, when they had us put our heads down on the desk and vote for class president, it was secret ballot.

As Mr. BLUNT reminded us, we used to have open ballots, and about 100 years ago it was changed to secret ballot. Now the Democratic Party is trying to reverse that and take away from workers rights their opportunity for a secret ballot.

We need to vote against this bill. Vote for this amendment and against the underlying bill.

Madam Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), our minority leader.

Mr. BOEHNER. Madam Chairman, let me thank my colleague from California for yielding, and thank him and the members of the Education and Labor Committee for their work on this bill.

Let me also say it is nice to see the chairman of the Education and Labor Committee here, formerly the ranking member during the 5 years that he and I worked together. During those 5 years, this bill went nowhere. It went nowhere for a very good reason.

Over the last 75 years, the Federal Government, State governments and the National Labor Relations Board have provided law and case history to try to bring balance between the interests of employers and the interests of the unions. If you go down through this long history, there is a very tumultuous history. But throughout this history, the challenge was to bring balance, for workers and their employers.

Over the last 25 years, there is no issue I have spent more time on during my political career than working with the employer community and the employee community, mostly represented by the labor movement.

My goal throughout this last 25 years has been to maintain this balance that

I think works for employers and their employees, and what we have here today is trying to upset that balance, taking away the secret ballot election from workers in order to make their choice whether they want to be represented or not.

It is almost beyond my imagination that this bill is on the floor of the United States House of Representatives taking away the secret ballot election. Think about this for a moment. Think about the 2008 election day, and here we are. You don't get to go into a voting booth and vote for who you want to be President in the 2008 election. You don't get to go and decide in a secret ballot who you want your Member of Congress to be. You have to show up at a town hall meeting, raise your hand as to who you are going to vote for; let your neighbors know, let your opponents know, let your employers know how you are going to cast your vote for President or for your Member of Congress.

I don't think that is what the American people expect of us. Instead of I am looking up at the voting booth, you are going to be standing up in front of God and everyone and telling everyone publicly how you voted. That is not what we want of workers.

Think about this for a moment. This is what a 1990 Federal Court decision found, and I will quote: ''On average, 18 percent of those who sign authorization cards do not want to join the union. They sign because they want to mollify their friends who are soliciting, because they think the cards will get them their dues waived in the event that the union shop prevailed.''

There was an earlier study by the National Labor Relations Board. It found that in cases where unions had cards signed by 30 to 50 percent of the employees, unions only won 19 percent of those elections. Or even when unions had cards signed by 50 to 70 percent of the workers, they won less than half of those elections.

Let's talk about what this really is all about. This bill today is not about protecting American workers. It is about upsetting the balance between labor and management.

But the real issue here is not taking care of workers, it is taking care of union bosses. We all know what is happening to the union movement in America. They represent about 8 percent of the private sector employees in the country, and that number has been dropping precipitously. This is an effort to help them get more members, to make it easier for them to sign them up and to intimidate them to sign cards. So there are no secret ballot elections. And whether they want to join a union or not, they are going to be forced to do it. That is not the American way.

My colleague from California, the sponsor of this bill, knows full well what this bill does and who it is meant to take care of and who it is meant to pay back to. It is not the American way, and that is not what should be happening in the People's House.

We, as Members of Congress, have a responsibility to do what we think is right on behalf of the American people, and I am going to tell you what I am going to do today. I am going to stand up and stand tall, and I am going to vote for every American worker and protect their right to have a secret ballot.

Mr. ANDREWS. Madam Chairman, in closing, I yield the balance of my time to the chairman of the committee, the author of the bill, the gentleman from California (Mr. MILLER).

The Acting CHAIRMAN. The gentleman from California is recognized for 6 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I thank the gentleman for yielding, and I thank him so much for his role in bringing this bill to the floor and the subcommittee where he chairs the subcommittee and in the full committee during the debate and here on the floor today, and I thank all of my colleagues who voted for this bill.

I don't know, maybe you have been doing business so long where you have been paying back your supporters, you think that is the way everybody does business. And that is why you have people heading down toward the courthouse and that is why you lost your leadership, because they were paying back their supporters.

Now, I know it is hard for you to change your stripes, and some of you will be wearing stripes, but the fact of the matter is, that is not the way we are doing business. But that is your language and that is your habit and the way you ran the Congress. It is pay to play. Pay to play.

Well, a new day is in town, and we are here today about whether or not workers will simply have the choice to exercise a right that has been in the law for 70 years, a right that can be taken away from them like that from an employer who simply says no to a majority of people who want representation in a workplace, a right that is part of the National Labor Relations Act. But it is revoked by employers, arbitrarily, without reason, without purpose. Then they can insert those employees into a process that is well documented now of hundreds of thousands of employees over the last decade that have been punished and had retribution, been harassed, lost pay, lost their homes, lost their jobs, lost their good shift, lost their premium time. That is the record. That is the record.

So the question is simply this: Will we give these employees the choice to decide, do I get to have an NLRB election, or do I want to choose this. Thirty percent can have an election. It takes 50 percent to have a card check.

And your secret ballot, Mr. MCKEON, you forgot to have the secret ballot for the decertification election. Apparently you don't need a secret ballot for that. You just have a card check. Okay. Now we understand what is going on here.

Let's remember today that families find themselves in the most difficult of economic situations. Today, your employer, who has reduced your pension, they have terminated your pension, they have reduced the payments into your pension, they extend the time in years that you have to participate in the pension before you can vest. Your health care, they ask you to pay more for it and reduce the benefits that you are paying more for. They change your hours. They change your pay. They change your premium pay. They change your shift.

So finally people say, I have got to have some say. I want the right to organize at work. I need representation. As the new Senator from Virginia said, everybody needs an agent. ''I need somebody to negotiate with this employer because I am not able to support my family. My wages aren't going up.''

The productivity is going up, the highest productivity in the history of the country, and employees are taking home the smallest share. Who is taking the most home? The CEO's, with their arbitrary golden parachutes and golden handshakes. What about the person trying to support a middle-class family? What about the person trying to decide whether they can hold on to their house or if they can buy their first house? Where do they get to negotiate?

The law says go to the National Labor Relations Act, and there you find a provision that says an employee has the choice of how to do this. But if they choose a card check, the employer can take it away from them. That is not democracy. That is arbitrary. That is capricious. That is an outrage. These are real people. These are real people that have been hurt this way.

I conducted a hearing. Ivo Camilo worked for Blue Diamond Growers for 35 years. He was awarded all kinds of awards for being an outstanding employee. Thirty-five years he gave them his life. And then Ivo said he wanted a union and they fired him. And when he said that to our hearing, he started to cry. Thirty-five years he had worked, and he started to cry.

My granddaughter was sitting next to me in the hearing. She had to leave early, but she had her father call me from the car. She got on the phone and she said, ''Papa,'' she said, ''Papa, why did that man have to cry in front of all those people?''

I said, ''Montana, he cried because he was embarrassed to admit to other people that he couldn't provide for his family; that he had lost a job that he was proud of. He lost a job because he simply spoke up.''

□ 1430

Another constitutional right you forget sometimes, he simply spoke up and said, ''I would like to have representation at work.'' And so Ivo Camilo was fired, along with tens of thousands of

other workers who simply made that statement to their employer.

You believe that is a fair system? That is a fair system that people can be fired? And when he gets his job back, he gets his back pay, no penalty for doing this, and that is why 30,000 people have taken action against them, because there is no penalty for the employer to fire these people, because what do they want, they are trying to increase the security in the workplace, they are trying to increase the financial security of their families.

You can pick up the paper every day and understand what is happening to people with health care, with their pensions. You can see what happens every day. The wages of working people are flat. They have been decreasing over the years, even as they have been the best workforce in America, and now they understand the risks that they run.

They want more say. They want their employers to stop fooling around with pension plans and dipping into their retirement funds and putting those things at risk. That is what the Employee Free Choice Act does: it gives these employees a chance to have representation and protect the health and welfare and support of their families. I urge a vote against the McKeon amendment and in support of the legislation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. KING of Iowa.

Amendment No. 2 by Ms. FOXX of North Carolina.

Amendment No. 3 by Mr. MCKEON from California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 264, not voting 10, as follows:

[Roll No. 114]

AYES—164

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

NOES—264

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

NOT VOTING—10

Cubin
Davis, Jo Ann
Flake
Fossella
Inslee
Jefferson
Mack
Maloney (NY)
Poe
Serrano

□ 1458

Messrs. SPRATT, CLYBURN, KIRK and Mrs. MCCARTHY of New York changed their vote from ''aye'' to ''no.''

Mr. BUYER, Mrs. MYRICK, and Messrs. LEWIS of California, PETERSON of Pennsylvania, DUNCAN and PLATTS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 printed in House Report 110–26 offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 9, as follows:

[Roll No. 115]

AYES—173

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

NOES—256

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

NOT VOTING—9

Buyer
Cole (OK)
Cubin
Davis, Jo Ann
Inslee
Jefferson
Maloney (NY)
Obey
Poe

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1507

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCKEON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 9, as follows:

[Roll No. 116]

AYES—173

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

NOES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez

Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Cubin
Davis, Jo Ann
Inslee
Jefferson
Kaptur
Maloney (NY)
Poe
Rangel
Smith (TX)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1516

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. WELCH of Vermont). There being no further amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Mr. WELCH of Vermont, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, pursuant to House Resolution 203, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCKEON

Mr. MCKEON. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon of California moves to recommit the bill, H.R. 800, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 4, insert after ''representative'' the following: '', that such authorizations bear, in addition to the signature of the employee, an attestation that the employee is a lawful citizen or legal resident alien of the United States, and are accompanied by documentary evidence of the same, and''.

Mr. MCKEON (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Madam Speaker, it defies logic that anyone who lives in this Nation illegally and works here illegally is able to decide whether legal workers must join a union.

But under current law, unions can obtain signatures during card check campaigns without differentiating between whether they were signed by legal or illegal workers. This motion to recommit simply requires that the union conducting a card check demonstrates that any card presented for recognition be signed by a U.S. citizen or legal alien.

This is especially important because under the so-called Employee Free Choice Act, the card check would become the law of the land, and literally it would allow union bosses to pick and choose which workers they believe can be most easily pressured into joining the union.

The bottom line, Madam Speaker, is those illegally working in this country should not be pressured into making major decisions such as those involving unionization that will only serve to further erode the free choice of workers who are lawfully here.

I commend the gentleman from Georgia (Mr. PRICE) for offering this amendment before the Rules Committee yesterday.

Madam Speaker, I yield the gentleman from Georgia (Mr. PRICE) the balance of my time.

Mr. PRICE of Georgia. Madam Speaker, I thank the gentleman for his leadership on this issue and in this House. Illegal immigration is as important an issue as any other major policy concern to my constituents, and I know to all Americans.

Across the country, there is overwhelming support for immigration reform, and this is due to the general sense that Federal policies have not succeeded and illegal immigration has become a crisis. With an estimated 12 to 20 million illegal aliens living here, Americans realize that the presence of so many is undermining the rule of law and undercutting the economic security of hardworking Americans.

No one wants to be denied economic opportunity for freedom, especially if it is being determined by those who are not lawfully in the United States. This motion to recommit is an opportunity to address the concerns of legal American workers which have not been raised from across the aisle.

This recommittal would simply require a union to demonstrate that any authorization card presented for recognition be signed by a United States citizen or a legal alien. Under current law, any worker, whether in the United States legally or not, can sign an authorization card. I repeat, under current law, whether in the United States legally or not, any worker can sign an authorization card and have it counted toward the threshold for union recognition.

So far, Republicans have proven that this Employee Intimidation Act is incompatible with the interests of workers, individual liberty, and the principles of democracy. Moreover, the card check process has proven not only to be biased and inferior, but also ripe for coercion and abuse.

Even more incompatible with democracy and ripe for abuse would be to allow illegal aliens the right to approve workplace representation for all legal workers at a site. I can't imagine that anyone truly believes that illegal aliens should be able to weigh in and determine union recognition, compensation, and benefits for legal American workers.

This Nation is at a point where illegal immigration has become such a crisis that it is threatening national security. To get this crisis under control and reaffirm our security, it is not too much to ask that all parties, employers, unions and employees, do their part. Employers are already on the front lines of deterring illegal immigration and verifying employee status.

Asking that authorization cards be determined as ''valid'' and accompanied by documentation is just another step to get the matter under control and ensure only legal workers are

deciding on union recognition and workplace rules.

It is such a small step. Unions can fulfill the requirements by following the same process that employers follow and use the same universe of documents that employers use, and to do this would not only guarantee that illegal aliens are not determining the rules for legal American workers, but it would add another check to strengthen national security.

I urge passage of this motion to recommit.

Mr. MCKEON. Madam Speaker, we yield back the balance of our time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

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

Mr. GEORGE MILLER of California. Madam Speaker and Members of the House, this is one of the more cynical amendments that could be offered at this time. You are going out to organize a workplace, and the people you are going out to organize are the employees of a company.

Now, either that company has a large number or maybe a total workforce that is illegal, and they don't want you near them; or they are legal because they are employed there, because that employer is supposed to check to see whether or not they are legal and to certify that they are. That is the pool of people that you are seeking to employ.

Now, this administration, you know, I think in 2004, maybe fined five companies, or you can put them on one hand. They now want to shift their failure to enforce in the workplace to the union organizers that they somehow have to do immigration checks because neither the employer apparently did them, nor the administration did them.

This is simply outrageous that we would ask people to do this. The people who are working in the facility, whether it is a plant or a job site, the employer has certified that they are legal, and they are legal workers. Why is it we would shift this to the unions?

If this company is not properly certified, that is why the Federal Government is supposed to be inspecting them. But they don't inspect them, because you haven't done this in the past, because you haven't taken this problem as seriously as you should. But all of a sudden you decided on this bill you are going to take it seriously, and you are going to shift it on to the union organizing effort to check this. It is an outrageous and cynical approach.

If you take it seriously, if you take it seriously, then enforce the law. Enforce the law. You have been in power for 12 years. And apparently this is a problem that is so important that it only comes to light this evening. Enforce the law, 2004, three companies.

Madam Speaker, I yield time to Mr. ANDREWS from New Jersey.

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, enforce the law. The erstwhile majority wants organized labor to do what its own administration has failed miserably to do. In the last 6 years before this administration took office, there were an average of 587 convictions of employers for hiring illegal workers.

Since then, this administration has averaged 73 convictions for a year for hiring illegal workers. In 2004, this administration got zero convictions for hiring illegal workers. Do not force organized labor to do what this administration has failed so miserably to do.

Vote ''no.''

Mr. GEORGE MILLER of California. You will have your opportunity to address immigration law. You will have that opportunity. You have tried to deny it over the last several years, but you're going to have it.

All this amendment says is you really dislike the unions even more than you dislike the illegal workers. That is what this says.

POINT OF ORDER

Mr. GOHMERT. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. The gentleman is violating the rules by not speaking to the Speaker. We would ask that the rules be enforced.

The SPEAKER pro tempore. Members will not deliver remarks in the second person.

Mr. GEORGE MILLER of California. Madam Speaker, all I can tell you is these people over here, when it was a question of the company, illegal immigration didn't bother them. All of a sudden, nonunion, these folks over here want to put it on the back of the unions in a most unfair fashion.

Madam Speaker, I just want to say to the House, let's not vote for this cynical amendment. Let's vote ''no'' against this and not punish people who are out trying to organize for the benefits of their families and their communities and for their health care and for their wages and put this burden on them that this administration hasn't accepted and the employers haven't accepted or the employers are doing it illegally. Let's enforce this law and not make this a substitute for that.

I ask you to vote against this.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. MCKEON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 202, noes 225, answered ''present'' 1, not voting 6, as follows:

[Roll No. 117]

AYES—202

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

NOES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio

DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—6

Cubin
Davis, Jo Ann
Inslee
Jefferson
Maloney (NY)
Poe

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1548

Messrs. KIRK, MITCHELL, and LAMPSON, and Mrs. BOYDA of Kansas changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GEORGE MILLER of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 241, noes 185, not voting 8, as follows:

[Roll No. 118]

AYES—241

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

NOES—185

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

NOT VOTING—8

Cubin
Davis, Jo Ann
Hastings (WA)
Inslee
Jefferson
Maloney (NY)
Pickering
Poe

□ 1556

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PICKERING. Madam Speaker, on roll-call No. 118 I was unavoidably detained. Had I been present, I would have voted "no."

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my good friend, the majority leader, for information about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank my friend, Mr. BLUNT, the minority whip, for yielding.

On Monday the House will meet, Mr. Speaker, at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30 p.m.

On Tuesday the House will meet at 10:30 a.m. for morning hour business

and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those bills, Mr. Whip, will be available later this week.

On Wednesday and Thursday, the House will meet at 10 a.m., and on Friday the House will meet at 9 a.m.

On Wednesday King Abdullah of the Hashemite Kingdom of Jordan will address a joint meeting of the House and Senate.

We will consider under a rule several important pieces of legislation from the Transportation and Infrastructure Committee that will help clean our environment and create jobs: H.R. 700, the Healthy Communities Water Supply Act; H.R. 720, the Water Quality Financing Act; and H.R. 569, the Water Quality Investment Act. We also will take up the committee funding resolution.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for that information.

Does the gentleman know, would we expect to see the supplemental in the Appropriations Committee next week and on the floor at some time after that?

Mr. HOYER. I think that is our expectation.

Mr. BLUNT. And do we know when the draft of that might be available?

Mr. HOYER. I don't know. It is being worked on, and I don't know when that will be available.

Mr. BLUNT. With the 3-day rule, I suppose it could be available as early as tomorrow for a Monday/Tuesday effort before the committee.

Mr. HOYER. I don't want to make a representation because I don't know the answer to that and don't want to misrepresent it.

Mr. BLUNT. Mr. Speaker, on the bills the gentleman mentioned, I know this week we had a second open rule of the Congress. It was an open rule for the second time on a bill that in the last Congress passed unanimously.

I wonder if the gentleman has a sense of the rules on these upcoming bills and what they might look like.

Mr. HOYER. I really don't. But I want to make two observations. First of all, we are 100 percent of the number of open rules that we had in the last Congress where we had one. We have now had two.

With respect to open rules, I know that, in talking to Mr. FRANK, he intends to bring some bills to the floor under an open rule. And we have been urging Members to have, if not open rules, structured rules. As you know, we have had some structured rules contemplated as well, offering amendments, allowing, obviously, amendments from your side as well as from our side.

□ 1600

And we want to make sure that we have the opportunity to consider views from both sides of the aisle. So we hope to do that. I cannot represent to you how many open rules there are going to be.

And I understand what the gentleman is saying about the fact that these bills were supported by large numbers, and in the latter case by all Members, but that doesn't mean that they were necessarily perfect. And amendments were offered, as the gentleman knows, and we took 7 hours, I believe, on the one that was of very little controversy 2½ or 3 weeks ago.

Mr. BLUNT. I thank the gentleman for that observation. I would just say that we actually might have had more open rules in the last Congress if it occurred to us that we could use the suspension calendar as one of our opportunities to do that.

Under the rules of the Congress in the Congressional Budget Act, the Budget Act calls for us to have adopted a budget by April 15. Do you have any sense of when the budget will be submitted by the Budget chairman, and whether or not we are working toward that statutory deadline and can possibly make that deadline.

Mr. HOYER. Unfortunately, I don't have the record of the last 12 years right in front of me.

Mr. BLUNT. Actually, we made the deadline one time in 12 years, and two times in the 30 years of the budget rule.

Mr. HOYER. I was thinking that was probably the case.

Having said that, it is Mr. SPRATT's hope, and he is working towards meeting those deadlines.

Now, as you know from experience, the plans, as difficult a process as putting together a budget is, sometimes do not meet expectations. However, I will tell you that it is my intention and Mr. SPRATT's intention to try to meet those deadlines. And at this point in time we are scheduled to meet those deadlines.

Mr. BLUNT. And to meet that deadline, I assume Chairman SPRATT must be working on a draft budget to be submitted in the next couple of weeks.

Mr. HOYER. That is correct.

Mr. BLUNT. That is helpful.

On the issue of the rules of the House, Mr. Leader, as I understand the rule that sometimes we were able to frankly use and sometimes we weren't, on the rule that we always referred to as the Gephardt rule that was initially put in the rules by Mr. Gephardt when he was the majority leader, if there is a budget resolution adopted by both Houses, that budget resolution vote on the conference becomes the vote on raising the debt limit. I wonder what the majority's plan is on that. Do we intend for that to continue to be the case, or will we expect a vote on the debt limit at some time?

Mr. HOYER. We, of course, on this side, call it the Hastert rule, because after you criticized it roundly for a long period of time, you adopted it.

Let me say seriously; there is no alternative to increasing the debt limit. Both sides pretend that there is. There is not. The administration, if the debt limit is to be extended, is going to request a level to which they would like it increased. Frankly, your side of the aisle, you were not here at the time, I tell my friend, but regularly voted against increasing the debt limit, almost unanimously, in large numbers. It was obviously an effort to try to make it appear that our Members alone were responsible for raising the debt. That was not an honest representation, in my opinion, because we passed bills with Republican votes which resulted in that, whether they were appropriation bills, tax bills, whatever economic bills they were.

So in answer to your question let me say this: We obviously adopted your rules, as you recall, at the beginning of this session. So rule XXVII was a rule that you had in place at the time that you were in the majority. We adopted your rules, and we are pursuing that under those rules.

Mr. BLUNT. I thank the gentleman for that.

Also, as we look back into the recent history of the House, I had actually never heard the rule referred to as anything before but the Gephardt rule. But the Gephardt rule, or the Hastert, whatever rule you want to call it, only applies if you actually have an agreed-to budget. And so on more than one occasion in the 12 years we were in the majority, we didn't have, and a couple of times, didn't produce an agreed-to budget by both bodies. And I don't remember anybody on your side of the aisle helping increase the debt limit either. So this is an area where both parties have played over the years a role of you didn't help us, we're not going to help you.

Mr. HOYER. I think my friend is correct on that. And that is why I started my remarks with really the Congress, if it is going to be responsible on either side, Republican or Democrat, has a responsibility to set the debt limit so that the United States of America meets its obligations, whether it is to our own people on Social Security, whether it is meeting a payment on our debt to foreign countries, whether it is simply funding our government and keeping services to our veterans and everybody else that we vote to give services to, we need to do that.

I agree with you. And I would hope at some point in time, frankly, both parties can get together and say look, this is something that we need to do. And frankly, whether it is the Gephardt rule or the Hastert rule, essentially that is what both sides were doing so that it could not be, I don't want to say demagogue, but misrepresented as agreeing that we ought to have that debt level.

Now, I think almost everybody disagrees with the rate at which we have been going into debt, and the fact that we have borrowed 94 percent of our operating funds that we have borrowed from foreign governments over the last 6 years. I think there is probably nobody that thinks that is a good policy.

But the underlying policies that drive that are really what is at issue.

But I agree with the premise of the gentleman that both sides of the aisle have tried to hold the other responsible for the debt. On our side, frankly, we disagreed with the fiscal policies that were being pursued, which, as you know, we think took us from a $5.6 trillion surplus to now a $3 trillion deficit in the last 6 years. We tried to make that point through that vote. But the gentleman's basic premise I think is absolutely correct. There really isn't an option of when we get to the debt limit, we either ought to stop spending money, reduce very substantially our entitlement obligations, or we have no alternative but to raise the debt.

Mr. BLUNT. Reclaiming my time, I would say that it is a challenge, the budget is a challenge. We look forward to the solutions that the chairman brings forward and having that debate on the budget, having that debate on the size of the debt. We hope we can get to a budget that is balanced in 5 years without a tax increase. I am sure that will be one of the many topics that we will be discussing over the next few weeks as the budget progresses.

As I said earlier, the earliest possible access to at least a draft of the supplemental will be helpful to us. And we hope that the majority will work with us to get that supplemental draft to us as soon as possible so that we can begin that important debate that will be on the floor I don't think next week, because clearly, the time would not allow that, but hopefully as soon as the week after that, and we look forward to that debate.

ADJOURNMENT TO MONDAY, MARCH 5, 2007, AND HOUR OF MEETING ON FRIDAY, MARCH 9, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate; and further, when the House adjourns on Thursday, March 8, it adjourn to meet at 9 a.m. on Friday, March 9.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 7, 2007, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS MAJESTY KING ABDULLAH II BIN AL HUSSEIN, KING OF JORDAN

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 7, 2007, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Majesty King Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan.

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

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.

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 IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is getting to the point where I am almost afraid to pick up the newspaper every morning because day after day, there is more grim news out of Iraq and the Middle East. More revelations about the scandalous mismanagement of this war and its aftermath. More evidence that the current administration is jeopardizing our national security.

There has been a lot of rhetoric here on Capitol Hill about who supposedly does and does not support the troops. I personally believe we should call a moratorium on ''support the troops'' demagoguery until the conditions at Walter Reed Hospital finally reach the level that our veterans deserve.

It is positively disgraceful, Mr. Speaker. After risking life and limb for our country, our soldiers are sent to a moldy, rodent-infested facility where they receive inadequate care. And today, we read that Walter Reed officials were aware of problems and heard complaints, but largely ignored them.

The squalid living conditions of Walter Reed are just one symptom of a completely ineffective and unaccountable bureaucracy. According to the Washington Post, nonEnglish speaking families have a difficult time getting the information and services they need. One mother of a soldier said, ''If they could have Spanish-speaking recruits to convince my son to go into the Army, why can't they have Spanish-speaking translators when he is injured?'' Her point is telling. It appears that our government is very eager to sign you up, but much less enthusiastic about communicating with you once you have been shot down.

Meanwhile, conditions in the Middle East are rapidly deteriorating. The most disturbing recent news is that the Taliban and al Qaeda, remember, they are the ones who bear direct responsibility for 9/11, these folks are on the rebound and they are stepping up the violence in Afghanistan. They are so emboldened that they launched a suicide bomb attack right outside the Air Force base where the Vice President was staying during his recent trip to the region.

Curiously, that same Vice President seems to think it is those of us who want to end the Iraq occupation that are validating the al Qaeda strategy. That was the line he used in attacking our Speaker last week. Well, I think the Vice President isn't in a position to throw stones, Mr. Speaker. First of all, al Qaeda didn't have anything to do in Iraq until the administration launched its pre-emptive strike nearly 4 years ago. Furthermore, it was this administration that had bin Laden sounded at Tora Bora and let him get away. And it is this administration that has taken its eye off the ball in Afghanistan, diverting resources from a nation-building project to pursue the ideological fantasy of conquering Iraq.

□ 1615

The new director of national intelligence, Mike McConnell, told the Senate Armed Services Committee this week: ''Long-term prospects for eliminating the Taliban threat appear dim, so long as the sanctuary remains in Pakistan, and there are no encouraging signs that Pakistan is eliminating it.''

And whose fault is that, Mr. Speaker? Not the Speaker of the House.

Unbelievably, when the White House spokesman was asked about the Pakistani Government's failure to cooperate, he answered: ''We're often asked to give our report cards on other heads of state. I'm not going to play.''

We have sure come a long way from the tough talk of 2001. Remember how we were told that those who harbored terrorists would be treated just as harshly as the terrorists themselves?

Journalist Spencer Ackerman assesses the Afghanistan situation this way: ''After two wars, we're in some sense right back where we were before 9/11 itself: unable to invade the territory where al Qaeda possesses a stronghold and groping for alternatives, while the intelligence community puts out warnings about the urgency of the threat. Except this time,'' he continues, ''our entire national security apparatus is overtaxed from the strains of two wars, wars that were supposed

to significantly diminish, if not remove, the very threat that's regaining strength.

Mr. Speaker, we must not lose our nerve. It is the responsibility of this body, carrying a mandate from the American people, to correct the grievous mistakes and reverse the disastrous course of this administration.

We must devote ourselves to democracy-building, reconstruction and humanitarian assistance in Iraq and Afghanistan. We must bring our troops home from Iraq. And once they're home, we must treat them with the dignity and respect they've earned.

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.)

HONORING CHIEF MASTER SERGEANT JACKSON A. WINSETT

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

Mr. TIAHRT. Mr. Speaker, I take this opportunity to recognize and say farewell to an outstanding United States Air Force Reserve senior noncommissioned officer, Chief Master Sergeant Jackson A. Winsett, upon his retirement from Air Force Reserve after more than 28 years of honorable service.

Throughout his career, Chief Master Sergeant Winsett served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force Reserve and our Nation.

Chief Master Sergeant Winsett is a native of Murfreesboro, Tennessee, and currently lives in Lenexa, Kansas. He entered the United States Army in October 1966.

His assignments took him to the Republic of Vietnam and the Federal Republic of Germany where he served his Nation as an administrative and personnel assistant. In September 1969, Chief Master Sergeant Winsett was honorably discharged from the United States Army as a Sergeant E–5.

Chief Master Sergeant Winsett joined the United States Air Force Reserve in October 1981 as an administrative specialist in the 442nd Fighter Wing, Richards-Gebaur Air Force Base, Missouri. During his tenure with this organization, he served in numerous positions, including a 2-year assignment as the consolidated base personnel office career adviser, 2 years as the unit career adviser for the 442nd Consolidated Aircraft Maintenance Squadron, 4 years as the first sergeant for the 442nd Combat Support Group, 7 years as the first sergeant for the 442nd Consolidated Aircraft Maintenance Squadron, 2 years as the senior enlisted adviser for the 442nd Fighter Wing, and 2 years as the command chief master sergeant for the 442nd Fighter Wing.

Chief Master Sergeant Winsett applied for and was selected in July 2000 to be the command chief master sergeant for headquarters, 10th Air Force, at Naval Air Station, Joint Reserve Base, Fort Worth, Texas.

During this assignment, which increased in scope and responsibility, Chief Winsett was responsible for providing advice on personnel matters concerning the welfare, effective use, and progress of the 10,000-member enlisted force to the 10th Air Force Command.

Chief Master Sergeant Winsett most recently served as the command chief master sergeant at headquarters, Air Force Reserve Command Robins Air Force Base, Georgia, where he continued his personal tradition of excellence, service and integrity. Through frequent communications, Chief Winsett maintained liaison between the commander of the United States Air Force Reserve Command and the 60,000-plus member enlisted force and key staff members.

He communicated to the commander problems and solutions, concerns, morale and attitude of the enlisted force, and ensured the commander's policies were known and understood by them.

Additionally, Chief Master Sergeant Winsett evaluated the quality of noncommissioned officer leadership, management and supervision. He monitored compliance with various Air Force instructions, including conduct and performance standards. Within his functional area, he issued directives and other guidance ensuring policy compliance.

During his incredible career, Chief Master Sergeant Winsett has served the United States Air Force Reserve and our great Nation with excellence and distinction. He provided exemplary leadership to the best trained and best prepared enlisted citizen-airmen force in the history of the United States.

Chief Master Sergeant Winsett is a model of leadership and a living example of our military's dedication to our safety and security entrusted to them by each of us.

Chief Master Sergeant Winsett will retire from the United States Air Force Reserve on March 7, 2007, after 28 years and 3 months of dedicated service. On behalf of my colleagues on both sides of the aisle, I wish Chief Master Sergeant Winsett the very best. Congratulations on completion of an outstanding and successful career.

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

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

WHITE HOUSE NEEDS TO CHANGE RHETORIC

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 American people are concerned and the world is very uneasy. Congress must begin to restore what the President and Vice President have shattered: our credibility in the world.

Headlines in the U.S. and international news media remove all doubt how the U.S. is viewed today in the world. One said: ''Russian official warns U.S. not to attack Iran.''

''Use of force on Iran unacceptable,'' says France.

''Trigger-happy U.S. worries Putin.''

The BBC reports that the U.S. Central Command officials have already chosen an extensive list for missile and bomb attacks inside Iran.

Another in the Asia Times: ''Three reasons why we should attack Iran,'' and all this comes from yesterday's headlines.

The French Foreign Ministry told an Asia news agency that France believes that the use of force to solve the Iranian nuclear issue is both unimaginable and unacceptable; but not in this White House.

When the Vice President announced recently that all options are still on the table, our international credibility took another direct hit. We cannot afford that kind of warmongering rhetoric any more, not in dollars, not in soldiers, not in insecurity, and not in international standing. It sounds like 2002 all over again. Like Yogi Berra said, ''deja vu all over again.''

That is a cause for grave concern on this floor and needs congressional action. We must include language in every military appropriation bill that specifically prohibits the administration from unilaterally waging war in Iran except by a vote of the Congress.

As it stands, the President and the Vice President are using the same speeches from 2002. They are just replacing the name of the country, Iraq, with Iran; but this time, the world has noticed.

The French foreign minister tells his boss before a television audience: ''Predictions that U.S. strikes will be conducted against Iran have become more common, and this causes concern.''

In the Baltimore Chronicle, Robert Perry writes: ''A number of U.S. military leaders, including the chairman of the Joint Chiefs of Staff, have waged an extraordinary behind-the-scenes resistance to what they fear is a secret plan by George Bush to wage war against Iran.''

The BBC reports that two ''triggers,'' or pretexts, for a U.S. attack have already been chosen.

Seymour Hersch writes in The New Yorker that the Pentagon has been ordered by the White House to plan a bombing campaign against Iran ready to go on a day's notice.

Michael Klare writing in the Asia Times says that recent remarks by the President seek to instill the same fear as the run-up to the Iraq war.

Listen to the President's rhetoric: ''stabilizing the region in the face of extremist challenges.''

Then there was the line by the President the other day: ''We are also taking other steps to bolster the security of Iraq and protect American interests in the Middle East.''

And then the President said: ''It is also clear that we face an escalating danger from Shiite extremists who are just as hostile to America, and are also determined to dominate the Middle East.'' He is making a bogey-man out of Iran.

People and nations listen to that inflammatory rhetoric from our President and Vice President and worry about a world careening towards another war. There is no doubt that America needs a thoughtful and coherent foreign policy concerning Iran. We ought to talk to them, for starters.

We don't need to merely change the rhetoric of the White House. We need to change the administration's perilous world view that America can and will just shoot its way to peace anywhere there is a problem in the world.

The first step in restoring America's credibility and global leadership is to let the world know that Congress is a coequal branch of government that will exercise its constitutional duty to ensure that the administration does not run off on its own to go to war.

We have to declare that the days of runaway rhetoric by the administration are over. But let us go beyond that. Let Congress take the administration's threat of war off the table and replace it with America's true belief that we view war as unimaginable and unacceptable.

THREE U.S. REASONS TO ATTACK IRAN

(By Michael T. Klare)

Some time this spring or summer, barring an unexpected turnaround by Tehran, US President George W Bush is likely to go on national television and announce that he has ordered US ships and aircraft to strike at military targets inside Iran.

We must still sit through several months of soap opera at the United Nations in New York and assorted foreign capitals before this comes to pass, and it is always possible that a diplomatic breakthrough will occur—let it be so!—but I am convinced that Bush has already decided an attack is his only option and the rest is a charade he must go through to satisfy his European allies.

The proof of this, I believe, lies half-hidden in recent public statements of his, which, if pieced together, provide a *casus belli*, or formal list of justifications, for going to war.

Three of his statements, in particular, contained the essence of this justification: his January 10 televised speech on his plan for a troop ''surge'' in Iraq, his State of the Union address of January 23, and his first televised press conference of the year on February 14. None of these was primarily focused on Iran, but Bush used each of them to warn of the extraordinary dangers that country poses to the United States and to hint at severe US reprisals if the Iranians did not desist from ''harming US troops''.

In each, moreover, he laid out various parts of the overall argument he will certainly use to justify an attack on Iran. String these together in one place and you can almost anticipate what Bush's speechwriters will concoct before he addresses the American people from the Oval Office some time this year. Think of them as talking points for the next war.

The first of these revealing statements was Bush's January 10 televised address on Iraq. This speech was supposedly intended to rally public and congressional support behind his plan to send 21,500 additional US troops into the Iraqi capital and al-Anbar province, the heartland of the Sunni Insurgency.

But his presentation that night was so uninspired, so lacking in conviction, that—according to media commentary and polling data—few, if any, Americans were persuaded by his arguments. Only once that evening did Bush visibly come alive: when he spoke about the threat to Iraq supposedly posed by Iran.

''Succeeding in Iraq also requires defending its territorial integrity and stabilizing the region in the face of extremist challenges,'' he declared, which meant, he assured his audience, addressing the problem of Iran. That country, he asserted, ''is providing material support for attacks on American troops''. (This support was later identified as advanced improvised explosive devices—IEDs or roadside bombs—given to anti-American Shi'ite militias.)

Then followed an unambiguous warning: ''We will disrupt the attacks on our forces . . . And we will seek out and destroy the networks providing advanced weaponry and training to our enemies in Iraq.''

Consider this Item 1 in his casus belli: because Iran is aiding and abetting the United States' enemies in Iraq, the US is justified in attacking Iran as a matter of self-defense.

Bush put it this way in an interview with Juan Williams of National Public Radio on January 29: ''If Iran escalates its military action in Iraq to the detriment of our troops and/or innocent Iraqi people, we will respond firmly . . . It makes common sense for the commander-in-chief to say to our troops and the Iraqi people—and the Iraqi government that we will help you defend yourself from people that want to sow discord and harm.''

In his January 10 address, Bush went on to fill in a second item in any future casus belli: Iran is seeking nuclear weapons to dominate the Middle East to the detriment of the United States' friends in the region—a goal that it simply cannot be allowed to achieve.

In response to such a possibility, Bush declared, ''We're also taking other steps to bolster the security of Iraq and protect American interests in the Middle East.'' These include deploying a second US aircraft-carrier battle group to the Persian Gulf region, consisting of the USS *John C Stennis* and a flotilla of cruisers, destroyers and submarines (presumably to provide additional air and missile assets for strikes on Iran), along with additional Patriot anti-missile batteries (presumably to shoot down any Iranian missiles that might be fired in retaliation for an air attack on the country and its nuclear facilities). ''And,'' Bush added, ''we will work with others to prevent Iran from gaining nuclear weapons and dominating the region.''

Bush added a third item to the casus belli in his State of the Union address on January 23. After years of describing Saddam Hussein and al-Qaeda as the greatest threats to U.S. interests in the Middle East, he now introduced a new menace: the resurgent Shi'ite branch of Islam led by Iran.

Aside from al-Qaeda and other Sunni extremists, he explained, ''It has also become clear that we face an escalating danger from Shi'ite extremists who are just as hostile to America, and are also determined to dominate the Middle East.'' Many of these extremists, he noted, ''are known to take direction from the regime in Iran'', including the Hezbollah movement in Lebanon.

As if to nail down this point, he offered some hair-raising imagery right out of the Left Behind best-selling book series so beloved of Christian evangelicals and their neoconservative allies: ''If American forces step back [from Iraq] before Baghdad is secure, the Iraqi government would be overrun by extremists on all sides. We could expect an epic battle between Shi'ite extremists backed by Iran, and Sunni extremists backed by al-Qaeda and supporters of the old regime. A contagion of violence could spill across the country, and in time the entire region could be drawn into the conflict. For America, this is a nightmare scenario. For the enemy, this is the objective.''

As refined by Bush speechwriters, this, then, is the third item in his casus belli for attacking Iran: to prevent a ''nightmare scenario'' in which the Shi'ite leaders of Iran might emerge as the grandmasters of regional instability, using such proxies as Hezbollah to imperil Israel and pro-American regimes in Jordan, Bahrain and Saudi Arabia—with potentially catastrophic consequences for the safety of Middle Eastern oil supplies. You can be sure of what Bush will say to this in his future address: no U.S. president would ever allow such a scenario to come to pass.

Many of these themes were reiterated in Bush's White House Valentine's Day (February 14) press conference. Once again, Iraq was meant to be the main story, but Iran captured all the headlines.

Bush's most widely cited comments on Iran focused on claims of Iranian involvement in the delivery of sophisticated versions of the roadside IEDs that have been responsible for many of the U.S. casualties in recent months. Just a few days earlier, unidentified U.S. military officials in Baghdad had declared that elements of the Iranian military—specifically, the Quds Force of the Iranian Revolutionary Guards—were supplying the deadly devices to Shi'ite militias in Iraq, and that high-ranking Iranian government officials were aware of the deliveries.

These claims were contested by other U.S. officials and members of Congress who expressed doubt about the reliability of the evidence and the intelligence work behind it, but Bush evinced no such uncertainty: ''What we do know is that the Quds Force was instrumental in providing these deadly IEDs to networks inside of Iraq. We know that. And we also know that the Quds Force is a part of the Iranian government. That's a known.''

What is not known, he continued, is just how high up in the Iranian government went the decision-making that led such IEDs to be delivered to the Shi'ite militias in Iraq. But that doesn't matter, he explained. ''What matters is, is that they're there . . . We know they're there, and we're going to protect our troops.'' As commander-in-chief, he insisted, he would ''do what is necessary to protect our soldiers in harm's way''.

He then went on to indicate that ''the biggest problem I see is the Iranians' desire to have a nuclear weapon''. He expressed his wish that this problem can be ''dealt with'' in a peaceful way—by the Iranians voluntarily agreeing to cease their program to enrich uranium to weapons-grade levels. But he also made it clear that the onus was purely on Tehran to take the necessary action to avoid unspecified harm: ''I would like to be at the . . . have been given a chance for us to explain that we have no desire to harm the Iranian people.''

No reporters at the press conference asked him to explain this odd twist of phrase, delivered in the past tense, about his regret

that he was unable to explain to the Iranian people why he had meant them no harm—presumably after the fact. However, if you view this as the Bush version of a Freudian slip, one obvious conclusion can be drawn: that Bush has already made the decision to begin the countdown for an attack on Iran, and only total capitulation by the Iranians could possibly bring the process to a halt.

Further evidence for this conclusion is provided by Bush's repeated reference to Chapter 7 of the United Nations Charter. On three separate occasions during the press conference he praised Russia, China and the ''EU3''—the United Kingdom, France and Germany—for framing the December 23 UN Security Council resolution condemning Iran's nuclear activities and imposing economic sanctions on Iran in the context of Chapter 7—that is, of ''Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression''.

This sets the stage for the international community, under UN leadership, to take such steps as may be deemed necessary ''to maintain or restore international peace and stability'', ranging from mild economic sanctions to fullscale war (steps that are described in Articles 39–51). But the December 23 resolution was specifically framed under Article 41, which entails ''measures not involving the use of armed force'', a stipulation demanded by China and Russia, which have categorically ruled out the use of military force to resolve the nuclear dispute with Iran.

One suspects that Bush has Chapter 7 on the brain, because he now intends to ask for a new resolution under Article 42, which allows the use of military force to restore international peace and stability. But it is nearly inconceivable that Russia and China will approve such a resolution. Such approval would also be tantamount to acknowledging U.S. hegemony worldwide, and this is something they are simply unwilling to do.

So we can expect several months of fruitless diplomacy at the United Nations in which the United States may achieve slightly more severe economic sanctions under Chapter 41 but not approval for military action under Chapter 42. Bush knows that this is the inevitable outcome, and so I am convinced that, in his various speeches and meetings with reporters, he is already preparing the way for a future address to the nation.

In it, he will speak somberly of a tireless U.S. effort to secure a meaningful resolution from the United Nations on Iran with real teeth in it and his deep disappointment that no such resolution has been not forthcoming. He will also point out that, despite the heroic efforts of American diplomats as well as military commanders in Iraq, Iran continues to pose a vital and unchecked threat to U.S. security in Iraq, in the region, and even—via its nuclear program—in the wider world.

Further diplomacy, he will insist, appears futile and yet Iran must be stopped. Hence, he will say, ''I have made the unavoidable decision to eliminate this vital threat through direct military action,'' and will announce—in language eerily reminiscent of his address to the nation on March 19, 2003, that a massive air offensive against Iran has already been under way for several hours.

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

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

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

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

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 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

EMPLOYEE FREE CHOICE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Hampshire (Mr. HODES) is recognized for 60 minutes as the designee of the majority leader.

Mr. HODES. Mr. Speaker, it is my pleasure to be here today with other Members of the class of 2006, the caucus of the new Democratic Members of the House of Representatives, the majority makers, to talk today about the Employee Free Choice Act which we passed in this Chamber just a short time ago.

I want to congratulate my colleagues on supporting H.R. 800, the Employee Free Choice Act, because it is an act that helps set a new direction for our country. If we can see final passage of H.R. 800, it will have a profound impact on working people in our country.

I would like to start with an example of why the protection H.R. 800 offers is so desperately needed. Last week I was home for a work week in my district in New Hampshire and I had the opportunity to meet one of my constituents, Emily, a nurse from Concord, New Hampshire. She was interested in improving working conditions at the nursing home where she worked and where she had worked for a long time.

So on January 12 of this year, she reached out to a local union to talk about organizing the employees, the other nurses, who were working in her nursing home. Seventeen days later, despite an impeccable history of service and excellent reviews, never had a bad review, no problems with her personnel file, she was fired for what the home called ''insubordination.''

Now, Emily works long hours in an industry that desperately needs qualified people like her. There is a nursing shortage. She loves her job and she cares about her patients and cares about the people she attends to, and the folks that she is working with are also my constituents. They are people who care about the rights of the people who are taking care of them and working with them.

□ 1630

Emily deserves to have an advocate for safe and healthy working conditions, and she deserves to have a voice in her workplace. It is people like Emily who need the Employee Free Choice Act. It would make what happened to her illegal, as it should be. It would also penalize employers who intimidate and harass workers who want to join together to negotiate their contracts.

It is important to note that there are thousands of responsible employers in our country who are already complying with the Act on a voluntary basis, and that is a good thing. When a majority of their employees sign up to join a union, they recognize it. They do not discriminate against those who are interested in joining together to exercise what ought to be the rights of every worker in this country to collectively bargain.

This law that we have passed, that we are hoping to see final passage of, simply brings the rest of America's employers into line with the many who already acknowledge that their employees deserve a voice in their workplace. This is a bill that honors the integrity of work and promotes effective dialogue, dialogue between employers and the employees who are working with them.

Now, opponents of this bill, many of the people on the other side of this aisle, point to record corporate profits and soaring executive payouts as proof that we do not need the Employee Free Choice Act. Well, they are right about one thing. The rich in this country sure are getting richer, and in fact, while executive pay has rocketed to 350 times what the average worker makes in a company, real wages for working people have remained stagnant.

I have got a chart here today, and it is a wonderful thing because, as you know, this is one of the first sessions that we have had as the new Members in the Democratic majority, the new majority makers, doing what the 30-something Working Group has done so often on the floor over the past few years, educating the American people and our colleagues and each other about what is going on. They have pioneered the use of these kinds of charts, and I just want to point out what this chart shows.

This chart shows the value of CEO pay and average worker production pay

from 1990 to 2005. That is over a period of 15 years, and what it really shows is what would have happened to the pay of workers if their pay had kept up with what has happened to the pay of CEOs in America. You can see down here, right down to my far right where we start, we start together at the zero point, and this top line shows what would have happened to worker pay and where it would be now if it had risen at the same rate as CEO pay has risen.

The bottom line shows what the actual worker pay, what has happened to actual worker pay. It has risen in this bottom red line very, very little. If it had kept pace with the CEO pay at this point, instead of an average actual worker pay, as shown here, of $28,315, and I want you to think about what it means to raise a family on $28,315 and pay for the kinds of things we have got to pay for today in this country in terms of gas, transportation, health care, schools, food and everything else.

The average worker pay would be at $108,138. Clearly, this gap is something that we all ought to be concerned about.

Mr. YARMUTH. Mr. Speaker, would the gentleman yield?

Mr. HODES. I yield to the gentleman from Kentucky.

Mr. YARMUTH. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the reference that the gentleman from New Hampshire just made is an interesting segue into something that has been of very great concern to me, because often when we hear from those who are touting the glory of the American economy, and certainly, we are all proud of our American economy throughout history, but on many occasions, they say the economy is doing so well, the stock market is at record levels, or at least it was until earlier this week, and productivity is great and corporate profits are great, why is it that the middle class is complaining? And there is this disconnect between those people who say we look at these big numbers and statistics and the average lives of everyday Americans.

One of the things that occurred to me when I was on the campaign trail all during last year, one of the incidents that I heard about I thought was a perfect example of why this disconnect sometimes exists.

We had a situation in which a warehouse, a distributing company, with 800 employees was sold to a company from out of State. The new employer came into that company and said, all of you employees have had your jobs terminated, they are now terminated, you can all reapply, you can reapply for 20 percent less salary and you will have no benefits.

I said, well, now according to macroeconomics and statistics, there are going to be 800 new jobs created because these are all new jobs. Now there are 800 jobs lost. That is in another column somewhere, but the 800 jobs are created. Unemployment stays exactly the same because those same 800 people are employed, and yet 800 people had their lives devastated, their standard of living decreased by 30 or 35 percent, and yet all the numbers look rosy.

So sometimes, as we all say, statistics can say whatever we want them to say, but in fact, when we talk about productivity and corporate profits and all of those things, it is oftentimes, and in most cases, does not reveal a lot of the stress that the middle class and the average working family are under, even though the administration touts these wonderful figures from above.

Mr. HODES. Thank you. I am happy to yield now to my colleague, BETTY SUTTON from Ohio.

Ms. SUTTON. Mr. Speaker, I thank the gentleman for yielding, and I thank him for the education that he is giving us about why it was so important that we passed this bill today.

As you can see from this chart, the productivity in this country continues to rise. The workers are working harder, but unfortunately, the wages are staying the same. There are those who say that we are going to make it in this world if we can just get productivity up and up and up, but unfortunately, that chart is showing that that is not necessarily the case.

What we are seeing go up and up and up is that income inequality that is existing, and more and more people falling from what used to be the middle class that was frankly built by organized labor in this country, fought for by the people who brought us great advancements like the weekend, the 40-hour work week, ended child labor laws and improved safety in working conditions, who fought for Social Security and disability and pension benefits for people, fought for the salt of the earth folks back in my district to help them have a life that would be good for themselves and their families.

So I am very, very proud of what we did today in passing the Employee Free Choice Act, and I have to tell you, I had the pleasure before I came to Congress to represent some of these workers. I was a labor lawyer, and I have to say, there is nothing like fear, the fear of losing your job, and unfortunately, I had to see that fear quite a lot because when you are a labor lawyer, that is when people come to you, when they are being threatened or harassed because they are trying to organize or engage in union activity to try and uplift themselves, their families and their coworkers and they are being threatened because of that activity that they are going to lose their job.

I will tell you, you shared with us one of the stories that came from your district. There is a gentleman back in northeast Ohio by the name of Dave who is a journeyman, and he is a highly skilled tradesman. When he got involved in trying to create a union in his workplace, the company went to great extents to keep it out. They put Dave, instead of using him for the trade that he plies in, highly in demand, they had him cleaning up cigarette butts at the company headquarters. They did not stop there either. In a long and sordid tale, that ended with Dave's wife actually being harassed so much by the company that she ended up hospitalized, all of this to keep out a union shop.

I guess the beauty of this, if there is any in this story, is it does not have to be this way, and we have heard there are examples out there where industry giants have recognized and respected union membership or the employees who want to engage in union activity and have a union to represent them and to be like Cingular who are still doing very well in the market and to these like Kaiser Permanente.

It does not have to be this way, and this bill actually takes us down the path to greater harmony in employment and employer and employee relationships. So I am really proud about this, and I would like to just yield over here to my friend KEITH ELLISON.

Mr. ELLISON. Mr. Speaker, I thank you for kicking it to me because, I just want to elaborate on one of those stories you just told. I think it is very important to tell the stories, and for the freshmen who come to this Congress as the difference makers, we have to tell the stories of the people because it is from the stories of the people that we make the difference.

We have to remember that the difference that we are sitting here to make is rooted in the real life experiences of the people who sent us here to act, which is why I was so overjoyed to cast that ''yes'' vote. We saw a vote of 241–185. That is not close. We are here to send a message and to make a difference, and the Employee Free Choice Act is just that.

But let me share this with you. Ten employees of the Brink's Home Security, Minneapolis branch, met in secret in 2004 to discuss problems with their employer. They feared for their jobs if the talk about the union became public, but they decided that a life with a living wage, some health care and a pension plan was worth the risk. They signed authorization cards to have the IBEW represent them. This was back in January 2005.

The National Labor Relations Board certified the IBEW as the employees' bargaining agent, and that was in March 16, 2005. Contract negotiations began with Brink's that April and have dragged on for nearly 2 years now with no contract. This is a company whose average monthly income is $27 million.

The employees have a simple question for their employer: Why should they work for a company who insists on contracts with its customers but not with their own employees? That is a question I think needs to be answered, and the answer lies in the Employee Free Choice Act because dragging it on, taking employees down a slow dance, dragging it out, not getting down to a real contract is something

that the Employee Free Choice Act is going to remedy.

But I am going to tell you all why it is that some employers resist the union, even after one has been authorized, and I think the answer lies in this simple chart.

The Union Advantage, Median Weekly Earnings, what we see is unionized employees make an average of more than $800 a week, and yet nonunion are down here just above $600. That is quite a bit of difference, 200 bucks a week. That is the difference between fixing the window that is broken, fixing the garage door, patching the roof, sending your child to school with good, decent clothing. That is the difference between a nice meal or, you know, spaghetti every single night. It is the difference between a quality of life and not.

I just want to tell you all that I am proud to stand here with you. We are the difference makers. Therefore, we should make a difference, and I would like to recognize my good friend from Iowa, Congressman BRALEY.

Mr. BRALEY of Iowa. Mr. Speaker, I thank my friend from Minnesota. It was a great thrill for me to walk on to the floor today and fulfill a campaign promise I made, and that is by wearing a pair of 26-year-old boots that I first wore when I worked for the Pauchet County Road Department in my home county building bridges and roads and farm-to-market roads for the people of the small county where I lived.

One of the reasons I wore these boots today is because it is very personal to me what is happening in the Employee Free Choice Act.

When I worked there during the summertimes back in the late 1970s and early 1980s, a lot of the people that I worked with would complain every year that they did not feel like they were getting a fair share for the work that they were performing, and they were always talking about whether or not they needed a union to represent them. I am very proud of the fact that now those same secondary road workers in my home county are represented by a union, and they benefit from collective bargaining in the workplace.

One of the reasons that I wore these boots today was a reminder of the hard work and sacrifice made every day in this country by working men and women who are simply executing and exercising their constitutional right to freedom of association. That is what collective bargaining is all about, and that is what the Employee Free Choice Act does. It gives those hardworking men and women greater protection to exercise their freedom of association by providing for majority sign-up, first contract mediation and binding arbitration and tougher penalties for violating the provisions of workers rights.

□ 1645

Now, let's talk about why this month is so significant. This month, we will celebrate in a couple of weeks the 75th anniversary of the Norris-La Guardia Act, one of the first acts that recognized as a matter of law that workers have a right under the Constitution to collectively organize and bargain with their employers. That act was sponsored by a Republican senator from my neighboring State of Nebraska, George Norris, who had the vision and the foresight to recognize that, unless we protect workers rights, none of us will reach our full potential as human beings.

George Norris was one of those eight brave Members of Congress that John F. Kennedy featured in Profiles in Courage because of the courageous actions he took without regard to partisan politics, because it was the right thing to do. That is why we are here today to celebrate, 75 years later, a new protection for workers that will have just as much impact on their lives as the Norris-La Guardia Act did 75 years ago by making sure that they have protection in the workplace for labor negotiations in the 21st century.

Seventy-five years ago, it was yellow-dog contracts that everybody was concerned about, which was a method that employers were using all over the country to say: You cannot get a job here unless you sign an agreement in advance not to join a union. That is how bad it was 75 years ago. And yet, under the past 25 years, through the interpretation of the existing National Labor Relations Act by conservative judges, we have seen an erosion in the right of workers to collectively bargain, to organize, and to protect their rights in getting first contracts.

That is why I was proud to be an original cosponsor of the Employee Free Choice Act, because there is another story to these boots that I am wearing. I wore a different pair of boots the first 3 years I worked for the Poweshiek County Road Department. And when I graduated from college and got accepted to law school, I thought I wasn't going to need those boots anymore, and the last day I worked that summer, I took my boots out in the yard and I lit them on fire and said good-bye to them.

When I started law school, I lost my father and his parents within a 3-month period of time, and I ended up going back and working for that same county road department after my first year of law school and I needed a new pair of boots. These are the boots that I wore that year. I made a vow to myself I was never going to get rid of them; and that is why I am proud to be with my new members in the Democratic class of 2006 here on the floor celebrating this historic day for workers of the United States. And I am so proud to be here with you.

Mr. HODES. I thank the gentleman. That is a remarkable story. I am glad you kept your boots. I am glad your boots got you here to be with us to share those stories.

And what you are talking about gets me thinking about the history and how we got here. Think about how those in my generation; I am 55, on my way to 56. I am one of those baby boomers who was born at the beginning of the 1950s, grew up through the 1950s and 1960s. And think about what it meant in this country for hard-working families to have organized labor on their side. Think about the factories, the manufacturing, what it meant to us as kids to have ''Made in the U.S.A.'' And what the contribution organized labor and the growing rights of working families meant to this country.

This country and its great prosperity that some are enjoying today was built on the back of an organized labor movement throughout the 20th century. And in my particular State in New Hampshire, some people say that the organized labor movement isn't as large as it is in other places. But it is certainly vibrant.

But it is not just the organized labor movement we are here to talk about, because really, the Employee Free Choice Act is about all working families. It is about all who are in the middle class or want to get into the middle class that are so important to this country, because today, the squeeze on the middle class is real. Working people in this country have endured blow after blow, including astronomical health care costs. They are up 50 percent a year from the year 2000 to the year 2007. They have been going up at astronomical double digit rates. Think about fuel costs from the year 2000 to today, going up in double digit rates. Ever increasing tuitions. College tuition at public colleges is up 40 percent over the past 5 years. We have seen spikes in housing prices, inflation is on the march. And now, in the first years of this administration, there was terrible job loss as we saw this flight of jobs away from our shores and going offshore. Now, some of the jobs have come back. But what we have seen is the great jobs have been replaced by people taking part-time jobs, by more people working longer hours, more people working harder, more two-income families. That means more caretakers out of the house, leaving more kids to fend for themselves.

So working families and workers are working harder, they are working longer, and they are sometimes working many, many multiple jobs.

So when we hear the statistics about the rise in productivity, it is true, American workers and working families have contributed to a great rise in corporate productivity. And this chart talks about U.S. productivity and wages and the change from the year 2000. It is a pretty simple chart. And what it shows is, very simply, median income right down there, the lower line of median income has actually declined over this period of time. Median income in real wages has actually declined the productivity of American workers and the contribution to the profits that have gone to the very top at the wage scale. That top 2 percent

who have really enjoyed a terrific time over the past 6 years has gone up, and it has been fueled by more people working harder and harder, more people working longer hours, more people working double jobs with fewer benefits and a greater squeeze.

So the Employee Free Choice Act is really a matter of fundamental fairness. That is what we are talking about. We are talking about leveling the playing field so that our workers who are dealing with their employers have a chance to talk in an organized way, have a voice, have some fundamental fairness when it comes to bargaining for the kinds of wages that they need to make a living, to send kids to school, to put the food on the table, to get from their jobs to do the things that we know are important to building a prosperous economy.

At this point I will throw it over to JOHN YARMUTH.

Mr. YARMUTH. I thank my distinguished colleague. And you talked about kind of historic developments and how we got to where we are.

One of the things that we also lose sight of sometimes is that the widespread concentration and consolidation of corporations in this country has also made it more of an unlevel playing field for the American worker. When we have a corporation, we might have a small business that is then bought out by a larger business that is then bought out by some corporation from four states away, and all of a sudden not only is that worker detached economically from the bosses, but he is also detached geographically from those bosses. And he or she is not even able to negotiate anymore with the people who set the policy for the corporation.

So as we have had this massive and widespread consolidation of corporate power in the country, we have also seen the playing field get more and more unlevel for the average worker. And it is not like a century ago when employers had two or three employees. Now, there are thousands and thousands of employees, massive policies, corporate stock, shareholder driven motivation to make more and more profit. And the power of the individual worker to shape his or her own destiny is reduced even more.

And one of the things that I think is unfortunate about the debate we had today is we tend to speak in polarizing terms, and it makes it seem like we who supported this act think that every corporation is evil and every employer is evil and that every union is without sin.

And of course, that is not the case. And, in fact, in my district, there are numerous examples in which corporations and their unions have dealt with the issues of the economy in an incredibly cooperative manner. And when times got rough, the employers went to the union and said, ''Here is the situation.'' They were transparent, they explained the situation. The unions said, ''We don't want the company to go bankrupt. We want to help.'' They made concessions. They agreed to match wages that may have been in other lower priced settings. And the converse has happened. When we have had good times and the employers say, ''Wow, we have got all this work. Let's renegotiate the contract because we need to get more employees in here and we need help.'' So it can work.

And I get the impression that when those people who oppose the legislation that we passed today, and I haven't had the opportunity yet to say how proud I am of what we did and I am extremely proud. But those people, when they oppose this bill, it seems to me they are saying we want to protect the employers who aren't good because the employers who are good and bargain in good faith and treat their employees well will have no fear from this legislation, they will welcome it, because they are already dealing with their employees on a good-faith basis. It is those people who don't bargain in good faith that we need to pass this bill to resolve.

Ms. SUTTON. That is exactly right. As I mentioned, there are industry giants who are working well with their employees. And just as in your district, in my district there have been unions that have sacrificed for the prosperity and, frankly, just to keep the business going another year, another day, another month. And when times turn good, the hope is, that ongoing relationship carries them all through.

I mentioned that I was a labor lawyer, and one of the toughest things, but probably the most common thing I had to do was try to find ways that we could work things out together, because we really are in it together. And this bill was just about putting us in a place where we could work constructively together.

So, instead of having those employers out there who would choose perhaps instead of working with their employees to a better future, and instead choose to work against them, it is about leveling that out and progress for all.

So I see the gentleman there has pulled up a chart that is labeled ''Myths.'' And we heard a lot today on this House floor that, frankly, just did not represent the facts, and I would just urge the gentleman to kind of correct the record there.

Mr. HODES. I am happy to do that. I think first, before we talk about some of the myths and the real facts, let me just turn it over to Congressman ELLISON.

Mr. ELLISON. Thank you, Congressman HODES. I am looking forward to correcting some of those myths, too. It is very important, Mr. Speaker, that the public knows the truth from the myths.

But before we go back to correcting the RECORD and making everything clear, I just want to tell another story, if I may, because I think it is important again for us to root our presentation in real-life experience.

In 2003, employees of Walker Methodist Health Center in Minneapolis voted 61 percent to unionize. They did so in part because of their disgust with the health center that punished them for taking time off to be with ill family members. Quite ironic for a health center.

Anyway, the employees were immediately harassed and intimidated; they had all kinds of problems that they had to deal with because of their effort to unionize. And today, management continues to appeal the 2003 election, despite losing every appeal with the National Labor Relations Board. But their appeals have prevented the will of the workers to have their union recognized. And I think again, it is very important that we focus on what real people are dealing with.

Meanwhile, employees acting on behalf of their union have been harassed and disciplined, as I said, even fired for their union activity even though they voted and have gotten the union by a 2–1 margin. And I think it is time for companies like the ones we have talked about to step up to the plate and recognize the union. It is time to have something like the Employee Free Choice Act to make there be a vehicle to have a contract.

And I just want to associate myself with the comments of Congressman YARMUTH. It is absolutely right that there are many employers who understand the importance of respecting the right to organize. We don't want to demonize them. What we are looking for is all Americans, workers and employees, to do well. The great Senator Paul Wellstone is known for saying, ''We all do better when we all do better.'' So when the employers do better, workers should also do better, and, all around, Americans should say the common good is a good idea and we should continue to focus on it.

Mr. BRALEY. I know that you share my concern of protecting workers rights as an element of protecting human rights. One of the first things that I did when I started running for Congress was do as much as I could to educate myself about the history of the labor movement in my State of Iowa, and one of my friends presented me with a book that cataloged those things.

One of the most striking stories that I read about was an African American worker at John Deere who decided to make a living driving a truck instead, and drove with a group of other truckers who were part of a union to the State of Illinois where they stopped to get lunch. This African American truck driver was told he could not eat lunch in the same restaurant with his white co-workers. And his white co-workers from this labor organization informed the owner of that restaurant in no uncertain terms that either they would all be served together, or he would experience what it was like to

see a semi drive through the front door of his establishment.

□ 1700

One of the things that we all know is that when we protect workers' rights, we are really advancing the cause of human rights, and I was just asking if you could comment on that, and what role, what we did today, how that played in moving the cause of human rights.

Mr. ELLISON. Well, Congressman, I want to thank you for that question. It is an excellent question. Labor rights are human rights.

I think it is important to know that Martin Luther King, who lost his life in Memphis, Tennessee, April 4, 1968, was actually helping sanitation workers gain their rights in an effort to unionize and have collective bargaining. That union, which was mostly African American membership, received help from their main-stream headquarters union, which was in New York, but got a lot of help that way.

It is important to remember that when Martin Luther King lost his life that the union drive and the strike did not end. It continued on, and the strike was successful. It is important to know that the right of human dignity, human rights and labor rights, are inextricably linked together.

One of the first things that my father and mother would tell me as a child is that Woodward Avenue in Detroit, Michigan, is a place where Walter Reuther of the UAW and Martin Luther King of the Southern Christian Leadership Conference walked down the street arm in arm with Reverend C.L. Franklin demanding labor rights, human rights, civil rights. It is all one thing, and that is what we have all got to be about.

Mr. HODES. What we are talking about is fundamental American values. We are talking about values of equal opportunity and fairness and what lifts us all up together.

One of the common misconceptions that is sometimes advanced when people have opposed the Employee Free Choice Act, or they stand in opposition to organized labor or the rights of working class families for fairness, is that somehow it is damaging to business if the employees in a business place come together and are allowed to express themselves and advocate for their cause that there is great fear out there, but there is really no good reason for that kind of fear.

Let me tell you another story that comes to mind. On the same trip back home last week, I had occasion to meet another group of workers. They were cameramen at the local statewide television station. The local statewide television station is a wonderful station.

I have enjoyed being on the station. I know the folks on it; they are good people. They do a great job of reporting. They are a part of an organization that owns a number of stations. They are a good-sized business.

When a couple of years ago these cameramen decided that they wanted to have a voice together, join together to be able to talk about some reasonable suggestions and thoughts and fairness so that they could have a voice to talk to the management of the station, which had been purchased, and they wanted to come together to talk, they were surprised to find that management, probably out of fear of what it meant, was using tactics that some might call intimidation, but I might tend to see more as fear based on wanting to protect something that they didn't know about.

One of the things I say to people sometimes is that people prefer the misery of the known to the mystery of the unknown. When you haven't had an organization come together for employees to talk with management, sometimes that can provoke the kind of fear of what that means.

So what happened was over the course of a couple of years, the management in this organization would take camera people aside by ones and by twos, and they would say things like if you come together to form this union, this company is going to be in real trouble. We are going to lose money. If we lose money, we are going to have to lay people off. If we have to lay people off, it might very well start with you.

They did this over a period of time by ones and by twos and delayed the process, and delayed the process and delayed the process. I have to tell you, when it finally came to pass that these folks got together and were able to get their union, without the benefits of the Employee Free Choice Act, which would have made it much easier, which would have made it fairer, which would have made it smarter for them to get together by simply having a majority of them get together to sign the cards and form the union and have the union recognized, they didn't have that process at the time. So they were delayed when they did come together and get their union and sit down and talk with management.

You would be surprised, I think, but I wasn't, to say that the company didn't suffer. Their profits aren't down. They are treating each other fairly. They are having a great dialogue together. But this company is doing just fine. In fact, since that time, unions have been formed, they have had productive discussions. Really what it is, it is about the respect. It is the respect for the dignity of working people.

If we cannot give working people in this country the dignity and respect that they deserve in the workplace, then what kind of country are we. That is why the Employee Free Choice Act that we passed today, on a bipartisan basis, I might add, with some of our colleagues who had the courage to join us from the other side of the aisle, that is why when we passed the Employee Free Choice Act in this House. We are expressing something about the new direction that we are going to take this country, one in which working families are accorded the dignity and respect that we know as Americans they deserve.

I give it back to Brother BRALEY.

Mr. BRALEY of Iowa. One of the things we are talking about in terms of these myths is really the fundamental shift that happened here today, that now, under the Employee Free Choice Act, it will be as difficult to certify a union as it is to decertify a union, because one of the myths that you have up there is that somehow by passing the Employee Free Choice Act, it will be harder for companies that no longer share the support of the workforce to have that union represent them in a collective bargaining agreement, that somehow what we did today will make it more difficult to decertify the union. In reality, it has always been fairly easy to decertify a union and nothing about the Employee Free Choice Act changes that.

So I would ask my friend from Kentucky if he could talk about some of the other myths that we heard today and throughout the week during the discussion that we know aren't based on fact and aren't based upon changing anything about the law that currently exists under the National Labor Relations Act.

Mr. YARMUTH. I thank my colleague. Before I get to that, I want to get to another part of the myth, and this is related to my colleague from New Hampshire, who talked about kind of the stigma attached to unions, and so much, I think, of what the stigma that is attached to unions and also the psychology of management is that if you are an entrepreneur, if you are building a company and you are running that company, then you think you should have a say in exactly how it has been run.

I have been an entrepreneur, my late father was, my two brothers are; and I know the mentality, that you started something and all of a sudden you think you should have nobody else telling you the rules. You should be able to set all the rules, and ultimately that is a self-defeating proposition because the only way to get the buy-in of your employees and to get really loyal employees is to treat them as part of the entire endeavor that you are involved in.

I know that a lot of people in this country tend to form their impressions of certain dynamics in society by what we see in the movies, and a lot of people probably look at ''On the Waterfront'' and old movies and say these are the unions that we are threatened with.

I had a great experience at the beginning of the last campaign. I had a meeting with six or seven labor union leaders, and I took my son, who was then 22. We had a wonderful 2-hour meeting in which we talked about all the issues from all different perspectives.

On the way home, my son, who had never been exposed to any union activity, said to me, Dad, that was really interesting. The only thing I ever knew about unions was what I saw in the movies. These guys aren't at all like those people in the movies. These guys are really smart.

Of course, that's the truth, and not only were they and are they smart people, but they also understand economics. They also understand the pressures that are on employers as well as on employees.

As I said before, there are all sorts of myths that permeate the labor management debate in this country, and most of them are not true. We have several we have heard throughout this debate on the floor, including the one my colleague from Iowa discussed, the whole notion of the secret ballot and eliminating the secret ballot.

Of course, this law does not eliminate the secret ballot if the employees choose to have a union organization process that involves a secret ballot. They are perfectly entitled to do so. It is just that they are not burdened with that exercise if they don't want to be.

This seems to be the height of fairness. We are not denying them the secret ballot. If they want a secret ballot, the majority of the employees, they can have a secret ballot. But we haven't heard that from the other side.

Mr. HODES. You know, 69 percent of Americans are supportive of what we did here today. I think the secret ballot issue is an important one. I just want to highlight it because it is myth number 1 on this chart which I have up here that the Employee Free Choice Act somehow abolishes the National Labor Relations Board secret ballot election process.

What this really does, what we are doing today, and what we have done, is it gives employees a choice between using the NLRB election process or the majority sign-up process. Under current law, employees can use the majority sign-up, but the employer can veto that majority employee choice and force the employees through the broken, undemocratic NLRB election process, which is open to employer delay, intimidation, and coercion.

It is the kind of thing I was talking about when I talked about those constituents of mine from New Hampshire who had to form a union and had to deal with their organization. Under this act, under H.R. 800, the Employee Free Choice Act, employees can still petition for an election. But if a majority signed cards saying they want a union now, they get a union, and the employer must respect that choice.

So somehow this myth out there that what we have passed is somehow undemocratic could not be further from the truth. It opens up choice, it makes the process easier, it reduces the kind of temptation to intimidate and harass or coerce that we have seen, and it promotes better dialogue and more fairness in the workplace.

I now hand it over to the Congressman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Congressman HODES, I just want to agree with you there. The fact is that this Employee Free Choice Act actually provides more opportunity, more choice, not less. It is critical to understand that.

Again, I want to recognize good employers who work cooperatively with their unions, but I also don't want to turn my eyes to the fact that there has been intimidation, but by and large, not on behalf of the union. In fact, I have a whole stack of horror stories that go along with workers trying to organize.

But I wanted to just talk a little bit, before we begin to wind up, about how important the Employee Free Choice Act is for working-class and middle-class prosperity. I want to start out my comments just by pointing out that over the last 6 years of this administration we have seen poverty increase by about 1 million people every year.

Right now we have got about 39 million Americans who live below what the government calls the poverty line, 39 million. That is a lot of people, and that is unacceptable in America.

Now, you might say we are not talking about poor folks, we are talking about workers. Well, let me tell you what a worker is. A worker is a person who works hard every day and makes a decent salary. Let me tell you what a poor person is, a worker who lost their job and hasn't gotten their paychecks for a little while.

So the ranks of the poor and the ranks of the working and middle class are tied together. So many people are only a few paychecks away, if not one paycheck away, from disaster. So we cannot ignore the rise in poverty during the Bush administration and say that it is not connected to workers' rights. It is directly connected.

We also have to talk about how the ranks of the uninsured have increased every year during the Bush administration. This, again, is tightly tied to the fortunes of the working class people, our folks. We have to be clear that if we have an Employee Free Choice Act in which people can organize and people can form together, build a union, what they can do is they can parlay that organizational power into greater benefits for American people.

We can now begin to form the basis of a real universal health care system, a system in which everybody can have health care in our society. We can parlay it into a real credit reform system where people are not subject to the vicissitudes of what some creditor lending institution wants to do with regard to lending practices, payday loans, all these kinds of things that sort of eat away at what working-class people are doing.

They can pull up, they can build a little fence around the fortunes of the working class, which I think are so important, and really sort of redirect the focus of our country towards the common good, which is where it should be.

□ 1715

So let me just say that the myths are important to address and I am glad we have done that. But I just want to say that this Employee Free Choice Act is giving working people a hedge, a fence, a wall, a protection in order to improve the lives of everyday people.

And I just want to turn our attention to this chart I have to my left which shows real median household income. For those of you who don't know the difference between real and unreal, it just means adjusted for inflation.

When we take inflation into account, we see that the median household income of Americans has dipped between 2000 and now and has gone down precipitously, dramatically, and we cannot allow it to continue.

If you have unionized workers, they don't need us to go pass a minimum wage law. They don't need us to think about some of these basic things. They do it for themselves. They have the power in their own hands when they can organize.

Mr. HODES. Mr. Speaker, let me turn it over to Congressman BRALEY for some closing thoughts. As we have a few minutes left in this, our first session as members of the Class of 2006, the majority makers, members of the new Democratic freshman class, are going to come to the floor of the House on a regular basis to talk with the American people and with each other and with any of our colleagues from across the aisle who choose to come and talk about the issues that are facing us in the day. I would be happy to hear from you and have some of your closing remarks.

Mr. BRALEY of Iowa. Well, I think one of the things that we deal with every day in this hallowed body are issues of human dignity. And to me, that is the essence of the vote we took today on the Employee Free Choice Act. It is not about giving one side in the bargaining negotiations an unfair advantage over the other side. It is about leveling the playing field so that all people have the means to reach their full potential as human beings. I believe with all my heart that that is what the Employee Free Choice Act helps to achieve.

I think it gives workers trying to enter into their first contracts greater assurances that their rights are going to be protected and their voices are going to be heard. I think that it puts more teeth into protecting those workers when employers choose to engage in tactics that have been prohibited under existing law, but have not been enforced as they should have been. And I think that when the rules are clear, and the penalties are clear, then everyone involved in the collective bargaining process has greater motivation to do the right thing. And, after all, that is what this is all about, giving people on both sides of the negotiating process the motivation, the incentive to do the right thing, to treat each other with dignity and respect and to

give them the best opportunity to achieve a good and profitable business venture that benefits the employer and the employee.

To me, that is what today's vote was all about, and that is why I am hopeful that the bill will be sent to the Senate and receive the same type of respect and debate that it did in this body, and that it will get sent to the President for his signature and be signed into law, so that all workers in this country will know that they have the protection that they deserve to reach their full potential as human beings.

Mr. HODES. Mr. YARMUTH, any final thoughts?

Mr. YARMUTH. Yes, I do. I associate myself with the remarks of my distinguished colleague from Iowa and also from Minnesota and Mr. HODES, you as well.

We face a situation in this area of labor management relations, just like many of the other situations we face in this country, where oftentimes, the problems are very complex and there are no perfect answers. And I don't think that any one of us here today thinks that this is a perfect answer, the Employee Free Choice Act, or that we are going to in any way, in one step of this body, correct the inequities in the economy. We always are looking for the best possible answer. We are trying to be fair. We are trying to make life better for the most people we can and the greatest number of people we can. And this does that.

As the world gets bigger and bigger, as corporations consolidate and get bigger and bigger, the power of every man and woman to determine his or her own fate gets less and less. And in our small way today, a significant way, but in a small way, I think we have begun to reverse a slide of imbalance in the economy and a slide to total inequity and helplessness on the part of American workers.

During my many stops at picnics last summer, I ran into a man who was in his early 50s, and he had worked for Winn-Dixie, the grocery company, 23 years. And Winn-Dixie had gone out of business. They had gone out of business because of competitive reasons. Nobody was going to help that. And yet, he had built up $150,000 in his pension fund. And when Winn-Dixie went out of business, he was left with $30,000, so he had lost 80 percent of his life savings because of the situation with Winn-Dixie.

He was forced to take another job, a job he was not prepared for, not physically or emotionally, probably, and he was struggling to get by.

But the point of the story is, that we are not going to be able to correct every wrong and right and save everybody's pension or protect everyone's livelihood through our actions. But we can take steps, when we see institutionalized imbalance in the economy, an imbalance of power, particularly when it is balanced against the working men and women, we can take steps like the Employee Free Choice Act and make a difference and make a difference for millions of Americans.

So once again, I salute this body today for the action that it took. It is a significant step on behalf of the American working man and woman, and I am proud to be a part of this body today.

Mr. HODES. In closing, I just want to take 1 minute to thank my colleagues, Mr. BRALEY, Mr. YARMUTH, Mr. ELLISON, Ms. SUTTON, who was here earlier. I want to thank you all for coming to the floor of the United States House of Representatives to work on this bill and to stand together today to talk about the importance of this bill to the American people.

And I just want to close by pointing out that the issues of economic and social justice that we are dealing with, and we are now dealing with a Democratic majority, are not partisan issues. We were joined in passing a rise in the minimum wage by our colleagues across the aisle. We were joined today by our colleagues across the aisle.

The American people sent us here to work in a bipartisan fashion, and we have worked in a bipartisan fashion, and will continue to because these aren't issues of left or right. These are American issues. And when we respect the dignity of working families and help the middle class in this country, everybody is helped from the top to the bottom.

So I congratulate my colleagues on the other side of the aisle who aren't here right now, but I want to congratulate them for coming today and working with us to pass this.

And I urge everybody who may be listening and may be watching today to voice their concern to the Senate. Reach out to the administration, and let them know your thoughts, that this is an American issue that respects fundamental values of dignity and respect for working people, and that working together, we can lift the middle class, we can help this country continue prosperity and distribute fairness in a way that helps us all.

I thank you all for being here today.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. WALZ of Minnesota). 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, I appreciate this recognition and the opportunity to come in as the Official Truth Squad usually does. I didn't bring the Official Truth Squad banner with me today, but I have heard enough of the session that has just gone on.

I see that the 2006 class didn't take very long to be brainwashed by their colleagues who were already here.

I will tell you, I think that maybe every Congress has a theme to it. And I would say the theme of this Congress is hypocrisy.

I served in the State Senate for 10 years, and I have often commented on this. We were never allowed to tell an untruth on the floor of the State Senate because we would get called down for it. But it happens here on the floor of the House every day, and it is truly an amazing situation to see, and I continue to be astonished by that occurrence when I see it here.

I want to talk a little bit and give another side of the story of this bill that passed here today called the Employee Free Choice Act. We have been calling it the Employee Intimidation Act. And what I find most astonishing is that our colleagues on the other side are so willing to knock down one of the cornerstones of our democracy, and that is the right to a private ballot.

For centuries, Americans, regardless of race, creed or gender, have fought for the right to vote and the right to keep that vote to themselves. Now, just months after a new House majority was elected in 435 separate elections, it has just voted to strip men and women of this country of their right to a private ballot in the workplace. I don't know what could be more undemocratic than that. Again, it just seems to me that hypocrisy is running rampant among the House majority.

In recent polls, almost 9 in 10 voters, 83 percent, agreed that every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union; 80 percent also oppose the Employee Free Choice Act; 71 percent of union members agreed that the current secret ballot process is fair; and 78 percent said Congress should keep the existing secret ballot election process in place and not replace it with another process. But that kind of feedback means absolutely nothing to the majority in this House. They are bound and determined to pay off the people who help put them in the majority and they are going to do that.

Chuck Canterbury, National President of the Fraternal Order of Police, issued a press release saying that, ''without the anonymity of the secret ballot, the Fraternal Order of Police would probably not exist today.''

The only way to guarantee worker protection from coercion and intimidation is through the continued use of secret ballot election so that personal decisions about whether to join a union remain private.

Even the AFL–CIO has expressed support for secret ballot elections when workers are presented the opportunity to decertify a union. The union argued that ''private ballot elections provide the surest means for avoiding decisions which are the result of group pressure and not individual decisions.''

Now, they have expressed their opinion for that, but then sometimes they express a different opinion. And we know that the Federal courts have repeatedly stated that secret ballot elections are the most foolproof method of

ascertaining whether a union has the support of a majority of the employees.

In reality, 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. And during this 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.

Now, I think it would be useful to talk a little bit about who does want this bill, and we have a list. Acorn, which has been very much in the news in the last few months and fined thousands and thousands of dollars for illegal election practices all over the country. That is a really wonderful group to have supporting this bill. I can't understand how the people on the majority side want to be associated with such a group.

And then the AFL–CIO, Americans for Democratic Action, Center for American Progress, the Democrat Leadership Council.

But there is a group that has been left off this list, I noticed, and that is very important to put on.

□ 1730

It is the Communist Party. The Communist Party of the United States favors this bill. And I think it is very important that the American public understand that. Our folks are aligning themselves with the Communist Party. The people who support this bill are aligning themselves with the Communist Party of the United States. Now, I would be a little bit concerned about that if I were them, but it doesn't seem to bother them in the least that they advocate communistic practices.

In fact, in our committee meeting last week or about 10 days ago when we discussed this bill in the Education and Labor Committee, I made a couple of comments about how struck I was by the comments that were being made. The folks were trying to make the argument that not allowing the secret ballot is more democratic than having the secret ballot. And I commented that the illusion that came to me was that of certain people in a circus. I have often heard the Congress described as a circus. And I said that day I could understand people calling the Congress a circus, and I knew exactly where the Democratic members of that committee would be in the circus if they were part of the circus and we all had a place. They would be the contortionists because I had never heard people do such a job on manipulating the English language to make it sound like no secret ballot made more sense than the secret ballot in terms of the democratic process.

I mean, you have got to be a real contortionist with the language to be able to do that. It reminds me of the book ''1984,'' where they rewrite history and white is black and black is white, and it was a truly amazing display of illogic, not logic, but illogic.

And then they went on to say, and I don't have the exact quotes but I can paraphrase: it is a real shame that there are some people in this country who make too much money, and we shouldn't allow that to happen. We shouldn't allow people to make too much money; so we have to figure out a way to take some of the money from people that we think are making too much money and give it to people who are not making enough.

And, again, that struck me as the definition of communism. And I said, That has been tried in lots of other places, and it has never worked. It has always failed, and we can see it failing.

Here we have one of the strongest economies that has existed in the history of this country, and people are doing extremely well, which is one reason, I think, that people aren't joining the union. We know that union growth is going down, and that is one of the main reasons that they are pushing this, so that they can intimidate people into signing these cards, not have a secret ballot, and force people into belonging to a union. And that is the reason that they are doing this. And as they gained the majority in the House, they see this as one of the big ways again to pay back the unions who helped put them here.

A lot of people today and in the committee talked about personal experiences, and I haven't talked any about any of my personal experiences as far as the unions are concerned. But my father, when he was working, was forced to join unions and he had a visceral negative response to that. It offended him tremendously that he could not go out and on his own get a job and be able to work at that job without having to go through a union boss, pay union dues, give up a lot of his hard-earned money to the unions in order for him to get a job. And he was very, very much opposed to the unions because he had seen that intimidation personally. He had seen money being taken away from him and being misused when he could have used that for his family. We haven't heard too much about that on the floor today. We have heard a lot about other kinds of things, but we haven't heard much about that.

We have heard, though, that there has been no union violence, no harassment, no intimidation. Well, that isn't true. There are at least 300 incidences of violence perpetrated by the unions on either their members or on people who are not members but coming from the union. Three hundred per year for the last 30 years. And I am just going to give a few examples of that:

West Virginia miner shot dead for working during a strike. Virginia women targeted for working during a strike.

And I will give some details about the second one:

When the United Auto Workers Local 149 called a strike against Abex Friction Products in Winchester, Virginia, several of the workers decided they needed their paychecks and crossed the picket lines to work. They were targeted for harassment and intimidation. In one instance an employee who crossed the picket line found a severed cow's head placed on the hood of her car. Later someone made up a photograph with her face superimposed over the dead cow's head and mailed it to her. The union paid a substantial settlement to six women for its members' harassment of them.

The same thing with the miner, the union was forced to pay.

UPS driver beaten and stabbed by fellow union brothers. Worker who opposed unionization has his house ''put on the map.''

Math teacher fired for challenging union president. And let me give you the details of this one:

George Parker taught math in Washington, D.C. and was a member of the Washington Teachers Union. In 1997 he challenged union president Barbara Bullock's financial administration with the Department of Labor, and she allegedly had him fired for doing so. But Parker's suspicions were proven correct. Bullock was later convicted of embezzling $4.6 million of member dues money and sentenced to jail.

Laborers Union thug attacks union and nonunion workers alike: Laborers Union Local 91 of Buffalo, New York, often relied on Andrew Shomers to harm and intimidate workers, union or not, who weren't paying dues to the local. Shomers pleaded guilty in June 2005 to a series of crimes involving violence and sabotage. His offenses included vandalizing the offices of the local housing authority, because it didn't use Local 91 labor to install a small section of sidewalk outside its offices, participating in a group assault on workers from another union, stalking and attacking nonunion workers on an asbestos-removal project by throwing a homemade firebomb through a window and destroying work that had been done by workers from another union and ruining their tools.

Shomers was just one of 15 former Local 91 leaders indicted by authorities in 2003. Following his plea bargain, seven other former leaders pleaded guilty.

Electrician fired for asserting his rights. Workers' families, pets threatened because they didn't want the union.

There are many, many examples of union violence and intimidation.

And one of the things that struck me about the comments that were being made here and the comments that have been made on the floor and in the committee is the attitude of the majority party toward workers. They talk over and over again about the helplessness of workers. They talk about employers controlling employees.

What a bad impression they have of other human beings. It is really part of their overall feeling toward us. They

feel like the government or the union has to do everything for us because we are so incapable of doing anything ourselves.

I find that really demeaning to other human beings, and I don't think they even understand that they are coming across like that. But just in the session just before now, they talked about the helplessness of workers as though the union has to do everything for these poor people who can't think and do for themselves. That is just unconscionable that they would talk that way.

Another interesting thing about their approach, though, is how these same people who don't want our workers in this country to be able to have a secret ballot and vote for a union want that for people in Mexico.

Sixteen House Democrats wrote a letter in August 2001. I am going to take one quote out, and I am going to read the letter. This is what they said: ''We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.''

That is the absolute height of hypocrisy. I have given you lots of other examples of it, but to say we want the people in Mexico to have a secret ballot to vote for a union, but the people in the United States shouldn't have a secret ballot? Where are these people living? I am just chagrined at that.

And they write the letter to the Junta Local de Conciliacion, and I won't try to pronounce the rest of it with my very bad Spanish, but it was in the state of Puebla: ''As Members of the Congress of the United States who are deeply concerned with international labor standards and the role of labor rights and international trade agreements, we are writing to encourage you to use the secret ballot in all union recognition elections.''

Unbelievable that these folks would want the secret ballot for people in Mexico but not want the secret ballot for the folks in this country. Again, I find it absolutely amazing.

I have pointed out, again, they are aligned with the Communist Party of the United States. Those are the people who favor this.

Now let me see if I can go here and tell you some of the people who are opposed to this legislation: the American Hospital Association, the Hotel Lodging Association, the U.S. Chamber of Commerce, and there are many, many, many more.

Now, what is it that is unique about these people? And I will go back to the other chart in a minute. What is unique about these organizations compared to the other organizations? These are the people that create jobs in our country. We live in a capitalistic country, the best country in the world. I don't see anybody rushing out of this country because their work opportunities are so rotten and so lousy.

They talk about how horrible it is in the United States. Well, how come we don't have people going to Mexico and to these other countries where working conditions must obviously be better if they are so rotten in this country?

It is because they aren't rotten in this country. It is because we have the best country in the world.

To hear these people talk about it, all these folks who create jobs, all these employers out there, individual small businesses, even large businesses are rotten people and all they want to do is intimidate and harass their workers. And yet unemployment is the lowest rate that it has been in this country in 50 years. Wages are up. The economy is booming. Something has got to be right about this country. But to hear them talk about it, it is the most miserable place in the world to live. I think they ought to find another place to live, frankly, if they think that this is such a rotten place to live.

I, frankly, love it here. I get teary eyed when we sing the ''Star Spangled Banner,'' even when we say the Pledge of Allegiance, because I am so grateful to live in a country where people have freedom and where they are not harassed and where they can do the kinds of things they want to do. But taking the right away for a secret ballot, where is it going to stop? Why don't they recommend taking away the secret ballot for their leadership elections, for example? Would they like to do that? I don't think so. Would they like to take away the secret ballot for us voting when we elect people to this Chamber? I don't think so. But that is what they want to do for the people who want to elect or not elect to have a union.

□ 1745

I think that it is really rotten.

Now, I want to show you what has happened in terms of the decline in union membership and talk just a little bit about this.

This is the real reason that there is such a push on to push this bill through. We are now at the point where we have 7 percent, I believe it is, of private employment where people belong to unions. Most of the growth in unions is now in the public sector.

You can see the total membership. The peak for union membership was in the 1980s, and it has been going down steadily since then. My guess is a lot has to do with the fact, again, that we have a good economy, that things are working very well. Folks have figured out how to protect their own rights. They don't need to pay union bosses, who make hundreds of thousands, even millions of dollars, who live in great luxury, while the workers make much, much less money than they do. People have begun to understand that the unions are not value-added for them. They are not giving them something they couldn't get on their own. Yet our colleagues across the aisle want to continue to believe that poor American workers are so helpless they can't do anything on their own without the help of the unions.

We have said before in the Official Truth Squad that everybody has a right to his or her opinion, but they don't have a right to the facts. Again, I want to point out, this is what is happening. We can see the total membership is going down, the private sector membership particularly, and that is what is really getting at our colleagues across the aisle.

I want to talk a little bit about the kind of assets that some of these unions have too, because for some reason they accumulate a lot of wealth and their leaders, again, are paid huge salaries. The American Federation of State, County and Municipal Employees have total assets of $57 million. They have about 1.5 million members and they have 620 employees. That is pretty good. Some of the other ones have even more assets for themselves.

Let's talk a little bit more about the union violations versus the employer violations. The folks in favor of the bill argue that employer coercion during union-organizing drives is rampant, while union coercion is virtually nonexistent. Specifically, they claim that employers engaged in illegal coercion in excess of 30,000 times last year alone, while in the history of humankind unions have only engaged in coercive tactics 42 times.

Well, I read you some details on some of those and gave you some facts. Again, they have their opinions, but they can't change the facts.

But these allegations are both deceptive and misleading. We know that if they are willing to engage in this kind of deception on the floor of the House in a campaign where they are trying to get a bill passed, where their comments are subject to public scrutiny, we can only wonder what type of deceptive tactics they might use in a card check campaign.

Mr. Speaker, the NLRB, which is not exactly a conservative group of people, reports that in 2006, there were 8,047 charges of employer discrimination or illegal discharge and 5,405 charges of union coercion and illegal restraint, in addition to another 594 cases of union discrimination. So we are talking about 8,000 charges against employers and 6,000 charges against the unions. And that doesn't account for the fact that unions are likely to file more frivolous charges than employers.

One thing is clear, however. The numbers are not as lopsided as organized labor and their allies would have you believe. Thousands of cases of union intimidation, as well as employer intimidation, are filed every year.

We should all agree that intimidation by employers, as well as intimidation by union organizers, is wrong. It isn't right for either of them to do it and I don't condone any of it. But while our Nation's labor laws may not be perfect, at least they provide a federally supervised process by which a worker can make the important decision about whether to join a union in private

without his or her employer, coworkers, or union organizers knowing how he or she ultimately voted.

Again, I cannot imagine a more basic right than our right to vote in private and not have anybody know how we vote. It is a sacred right, and we should not allow that to be taken away. What we should be doing is strengthening workers' privacy rights in making this important decision, not eliminating them.

Let me now talk a little bit more about the decline in union membership. For the past 40 years, there has been a steady decline in both union membership and influence. There are several reasons for such a decline, the first having to do with employers keeping their businesses union-free. Some were active in their opposition and even hired consultants to devise legal strategies to combat unions. Others put workers on the management team by appointing them to the board of directors or establishing private sharing plans to reward employees. Another is that new additions to the labor force have traditionally had little loyalty to organized labor.

Because more and more women and teenagers are working and their incomes tend to be a family's second income, they have a proclivity towards accepting lower wages, thus defeating the purpose of organized labor. Another reason is many businesses have gone out of business because of union employees, because union-made products have become so expensive that sales were lost to less expensive foreign competitors and nonunion producers. This results in companies having to cut back on production, which caused some workers to lose their jobs and hence unions have lost some of their members. Today's workers also tend to be more highly educated and tend to be of the professional white collar class. All of these have decreased union membership.

The percent of the workforce in 1948 that were in the unions was about 31.8 percent. In 2004, in the private sector it dropped to 7.9 percent, and in the total workforce it was 12.5 percent. So we know that the numbers are coming down and coming down dramatically. That is why the folks have gone after this bill to try to force people to join the unions by having them simply sign a card and not allow them to be able to have a vote.

As I said before, the hypocrisy that runs rampant in this place is mind-boggling. Bills get called one thing and they do something just the opposite. The Employee Free Choice Act doesn't provide employees free choice. It does just the opposite.

We have had lots of groups and lots of editorials against this bill, many, many people saying this is absolutely the wrong way to go.

I want to enter into the RECORD today an article from The Wall Street Journal from February 2. I am going to read some quotes from it, but I want to put the entire article in, because I think the comments are so pertinent.

[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 who really matter, whether citizen or worker. Congress should think a lot harder before it decides to do away with workers' right to vote.

Mr. Speaker, the article starts, ''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 Democrat's agenda. This legislation replaces government-sponsored secret ballot elections for union representation with a public card-signing system.''

Mr. Speaker, another reason union membership is down is because of the abuses of the unions, and, as I said before, because our economy is so good. We know that we have the best economy we have had in 50 years and people don't need the unions in the way they needed them before.

There was a time probably in the early part of the last century when there was a need for unions. There were worker abuses, and that is very unfortunate. But we know that era is gone, and we don't need that anymore. So we know that we don't need the unions, and people are voting with their feet.

There is another quote that I want to share with you from The Wall Street Journal, which comes toward the end of the article, which points out another part of the hypocrisy of this bill. Let me again quote from the Wall Street Journal article, because I think it says it very well:

''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.''

You see, they oppose a card check for decertification of the union. That is just not right. If they want it one way, why don't they want to allow it the other way?

The last paragraph says, ''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 who really matter, whether citizen or worker. Congress should think a lot harder before it decides to do away with workers' right to vote.''

Again, I cannot think of anything more undemocratic than saying to people, ''We are going to allow you to be intimidated into joining a union. We are taking away your right to vote in a secret ballot election. We don't think secret ballots are the right way to go in the greatest republic in the world. We do think that secret ballots are the way to go in Mexico, but we don't think that they are the way to go in the United States of America.'' Again, it is unbelievable to me that these people can stand up and say it.

I want to say again, who are the people who supported this bill and point out the kind of folks that these people are associating with and say again that the fact that the communist party of the U.S. is one of the major supporters of this bill should tell us a lot about what this bill is doing.

Elections in communist countries are not like elections in this country. There aren't choices given to people. They don't have free elections. What they do is have the kind of election that is going to come about by people doing a card check for these union elections, and that is the kind of election that they want there.

We have heard again comments made over and over again by the people who have supported this bill, but I want to say to you, I am sorry I don't have the Official Truth Squad emblem up here tonight, because we could have both of them here. We need to set the record straight on what is being said.

Doing this bill, if this bill were to pass the Senate and become law, it would be one of the greatest travesties against American workers that has been done in this country, and it would be done by people who say that they support American workers.

□ 1800

It would be done by people who treat American workers as though they are helpless individuals, unable to do anything for themselves, unable to walk away if they don't like a job, unable to bring a suit against someone who might have discriminated against them.

Again, I don't want anybody to think that I would ever tolerate anyone being discriminated against or anyone being mistreated; I don't support that in any way. However, that is not what is behind this. What is behind this is power and money. These people have been bought by the unions. The unions got them into office, and they are now asking for their payback. And that is exactly what is happening here. And that isn't the way it is supposed to be done.

Our folks on the other side of the aisle have railed against that in the past. They rail against it when they accuse us of doing that, but they are doing it in ways that are really unconscionable, in my opinion.

And, again, I want to quote from the letter that 16 Members of Congress sent to Mexico where they said: ''We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.''

I cannot, again, hear how they can justify wanting the people in Mexico to be able to have the secret ballot to vote for a union and take that right away from our great American workers who want the same right for themselves.

I hope that the Senate will do the right thing and vote this bill down, if it even ever comes up for a vote, and say to the American workers, and hear what Republicans are saying: we respect American workers. We will do everything we possibly can to protect your rights. We are not going to take away from you the right to a secret ballot. That is simply wrong in the greatest Republic that has ever existed in the world.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again.

As you know, the 30-Something Working Group, we come to the floor with great pride and information to not only share with the Members, but also the American people, and make sure that we, the 110th Congress, the people's House, carry out the wills and the desires of Americans as it relates to making sure that they are represented in a fair and equal way, and also in a bipartisan way. And that is something I take great pride in because I believe that, as the CONGRESSIONAL RECORD will reflect or has reflected in the major votes that have taken place on this floor, had a lot to do with the American people and the way they live, and the way students were paying high interest rates. And we know it is still going through the legislative process, but it has now passed off the floor of the House of Representatives. And also as it relates to the minimum wage and small business tax cuts. It has all moved through in the 110th Congress under the Democratic leadership, and in a bipartisan way, with a number of Republicans voting for those measures.

We know the will and the desire was there to do so in the past, but the leadership was not there. So what we want to do, when I say ''we,'' Democratic majority, we want to make sure that we keep that even keel that we are on now, to encourage more bipartisanship, and to also encourage and push more leadership out of this House of Representatives. And I want to commend the Speaker and our Democratic leadership for allowing that to happen in the way that it has.

Saying that, Mr. Speaker, I think it is important to continue to talk about what we were touching on just the other day. The 30-something Working Group has been on the floor all of this week. This will make the final evening that we will be addressing the Members, on not only Iraq, but also how our veterans are being handled by, need it be the Department of Veterans Affairs, need it be the Congress or the administration. And I read off last time, which I will do before this hour is over, about the lack of funding and the cuts that have been made from the Bush administration in the past. And I think it is important for us to reflect on that.

I think it is also important for us to talk about, in the supplemental that passed this floor, how we put in billions

of dollars to make sure that we are able to take up the slack. Case in point, Mr. Speaker, this is the most recent Newsweek that has been published, Newsweek magazine. It is dated March 5, 2007. I have a copy of it. It actually came to my office. I took the opportunity to read this article.

You have Specialist Strock, who is on the front, Marissa. She is age 21. As you can see, she lost both of her legs from the knee down in Iraq. And it is entitled, ''Failing Our Wounded.'' As you know it is a special investigation report, and I think it is important that Members pay very close attention to what Mr. RYAN and other Members who will be joining me shortly have to share with you on this issue on making sure that our veterans are taken care of.

Now I know, as a Member of Congress, Mr. Speaker, and I also know just as someone who has been paying attention to the lack of dollars, especially as it relates to outpatient care of veterans, I think for Members like myself who have been in field hospitals in Iraq, that have gone to Germany and have visited the troops on more than two occasions, seeing the kind of care they get there. I have been to Walter Reed, I have been to Bethesda Hospital, but once you start getting out away from the general hospital treatment that our veterans are getting when they first are returning back to the United States, when you start getting into outpatient, even at Walter Reed, which a lot of this is being addressed, a lot of the bad stories are being addressed here in this Newsweek article, when you start getting out in the Midwest, when you start getting even down in my area in south Florida and you start getting a little up from Washington, D.C. into New York and out west, away from the eye of the four-star brass and all the folks that have an opportunity to go to Walter Reed and other places, you start really getting down to the nitty-gritty of what has been wrong with the planning, not only of the war, but the care of the men and women.

Now, you have heard me time after time again, Mr. Speaker, and Members, talk about how Members of Congress come to the floor and chest-beat about how they support the troops. Sometimes the debate really goes beyond the reason for a Member to come to the floor. I mean, I have been in my office and watched Members talk and they say, well, I support troops 110 percent. And then you have another Member say, well, I support the troops more than you do. As a matter of fact, I have a tattoo on my arm saying that I support the troops. I am saying that just to say that we have to go beyond our words and we have to act as though we support the troops, the full troops.

We have troops that have served, soldiers that have served, sailors that have served, airmen and -women that have served, Coast Guard members that have served, and on and on and on in World War II, I, you name it, Korea. You have Afghanistan; you have even some folks from there. You have folks from the first gulf war. You have Vietnam. All of these men and women that have allowed us to salute one flag, they are getting the real deal. They have been on a waiting list. And now we have put a mountain of new issues on the Department of Veteran Services, or some may call it the Veterans Administration. And I think that it is important for us to realize what is happening and what is happening in the real world.

Members of Congress and others, people of influence can go to a local hospital and Congressman, oh, you are here? Don't wait in that waiting room, we will take care of you. Oh, you have a family member that is sick? Don't worry about it, the hospital administrator will meet you at the front door. But to the person that volunteered to defend this country, they don't have that prerogative. They don't have a Member of Congress to show up with them and they can get to the VA.

A former friend of mine, still a friend, but he has moved on to a greater place now, Orange Hayes called me one day on my cell phone in Miami, he was at the Miami VA Hospital and he said, Kendrick, I'm not getting the kind of service that one deserves here in the VA. I am not highlighting my hospital, but one thing that I can say that he knew me, he knew my cell number, he knew he could call me. And what did I do? Of course I was there in a matter of two hours. And who was there? Well, let's put it this way: the head of the department dealing with his illness was there, the assistant administrator of the hospital was there, and the director of the nurses, RNs there at that hospital. He got what he needed. And he said, you know, in the best way he could, sat up in his bed and said, I'm so glad that you are my friend because now I have been able to get the kind of service that I need.

Well, that should have happened anyway. And I think we have good people in the VA. I know we have good workers there; they are committed. We have good docs there; they are committed. But as it relates to the resources and the priorities in this Congress, the question is, are we committed?

Now, this Congress is committed because we already talked about what we did in the supplemental budget. That is a budget that Members didn't even have an opportunity to work through the legislative process. That was left over from the 109th Congress Republican Congress that we decided to do the right thing and cut some projects that were nonpriorities and put over $3 billion in there to be able to assist in providing the kind of care for veterans. And we haven't even gotten started yet.

Now, let's just talk about getting started. And we want to thank The Washington Post for what they have done in highlighting the issues at Walter Reed outpatient. I have been there before. I didn't see some of the things that they saw; but luckily we had some men and women that stood up and said, you know, things are not what they should be there. And I understand, Mr. Speaker, you know, a two-star general stepped down today who was over the hospital. But you know something? I know within the coming days, Mr. Speaker, we are going to get down to the bottom of what it is all about for the veterans when they come back and when they go home.

When they come through Washington, D.C. and they land at Andrews Air Force base from Germany? When they land there, they are getting the care and all of the attention. But what happens when they go back to Sioux City, Iowa? What happens when they go back to Jacksonville, Florida? What happens when they show up at an airport in Wisconsin, are they still prioritized? Do they feel that we have their back because they had ours? And that is the resounding question.

Now, I am excited because, unlike the 109th Congress, the 30-Somethings would give our presentation and meet and talk about what should be happening. And if we had had an opportunity to lead, Mr. Speaker, and Members, and I know that Members who served in the 109th Congress and 108th Congress knew the 30-Something Working Group, if we were given the opportunity, if we asked the American people to have an opportunity to lead, things would be different. I am going to tell you the reason why it is different right now.

I am happy that the Budget Committee had hearings on this in the House, not several weeks from now, but have already had hearings. Chairman JOHN MURTHA of the Defense Appropriation Committee has scheduled a hearing on Friday, which is tomorrow, Mr. Speaker. I want our veterans to know that this Democratic House of Representatives has been on the side of making sure that our veterans get what they need, even when they leave the battlefield, even when they go back home; and that we do have Members on the other side of the aisle that feel the same way. But we are willing to provide the leadership of making sure that your issues are heard and that they are resolved, not just heard.

Having a town hall meeting talking about what can we do to make things better and not come into Washington and do something about it is not even worth anyone showing up at the town hall meeting or reading a letter and responding to it, though we are trying to do the best we can. This is actually taking place.

□ 1815

This is the action that is taking place. We also have oversight committee on government reform subcommittee chairmen will conduct a field hearing at Walter Reed on Monday, this Monday, not next Monday,

not some Monday in the future maybe we will get around to it. The Senate Armed Services Committee has planned a hearing for Tuesday. This is right now. This is right here right now in the moment, and again, I am so happy that these hearings are taking place.

The House Armed Services Committee on planning and oversight is also planning a hearing, and I am pretty sure that is days, not weeks.

So as we start to respond to what is already a major issue in our country, and we have outlined it as a major issue, we know that within the budget that there has been a number of veterans affairs programs that have been cut, health care programs. We have had fist fights mentally, I do not want to say literally, mentally and through dialogue with colleagues on the other side of the aisle about making sure that we do what we are supposed to do for veterans.

It is easy for someone to sit here in an air conditioned Chamber and pull out their voting card and say let us go to war, no problem; I am tough, I voted for it; you did not vote for it. Well, I am tougher than you. That is fine and that is good for Hollywood, but here in Washington D.C., it is important that we plan and that we make sure that the troops and the soldiers and the airmen and the sailors, we make sure they get what they need all the way around 360. You just cannot go a 180 and stop say, well, the veterans, the care is the hard part. You cannot stop there because that is not the responsible thing to do.

I think it is important to point out for every one soldier that dies in Iraq, 16 are injured. We talk about the fallen, rightfully so, and we should. We should highlight that, but we have to look at the injured. Sixteen, so think about it when you are watching television and when you pick up the newspaper and you see 3,158 of our men and women that have paid the ultimate sacrifice in Iraq, think about the 16 on top of every one that has been injured, and it is very, very important.

The veterans deserve a lifetime guarantee from the American people, a promise of proper medical care and treatment forever. That is what we have to back up here in this Congress, and I know that the will and the desire is here on this side of the aisle to make sure that that happens.

I think it is also important that we send legislation to the White House after we have these hearings to make sure that veterans know in the field that we have their back, that the men and women know that we have those individuals and also those individuals that are veterans who—already standing in line—that they get what they need.

Many of our veterans hospitals, Mr. Speaker, and outpatient centers, in some parts of rural America you have these clinics that are only open twice a month, and because of cuts, you have some clinics that are open even half a day on that twice a month. We have buildings that are crumbling, and we have VA hospitals that are still in the World War II era. I mean, they have not received the kind of renovation that they need.

There is a superinflux of veterans that are coming back from two wars that are ongoing now. Some people may not know it, but there are two different wars that are going on as I speak here on the House floor. We have to make sure that we are prepared to deal with those issues when they return back.

Now, I know the Secretary of Defense has already been to Walter Reed, but I can only imagine what we are going to find out in the coming days. I know that a number of other committees will continue to start to look at the issue of how the men and women are served.

Mr. Speaker, we spoke time after time again here on this floor, members of the 30-something Working Group, on the responsibility of oversight. I would be worried if we were on President's break last week, this week staff visited Walter Reed Hospital, and our staff from the House of Representatives continued to be deployed throughout the country of getting down to the nitty gritty on what is actually happening in our VA hospitals, what has been the result of cuts year after year. Meanwhile, we have in the President's budget here to make tax cuts permanent, Mr. Speaker, not sunsetting in 2010, but permanent for the super wealthy in this country.

Meanwhile, we have veterans that are waiting to see the ophthalmologist or a cardiologist for weeks, some cases months, depends on where they are in the country.

So I think it is important, especially as we start to go through the hearings for the 2008 Appropriations Act, I think it is important as we lead into the emergency supplemental, the 99-plus billion dollar supplemental for the war in Iraq, Afghanistan and other areas, that we think about what I am talking about right now.

We have some men and women that are on their third, some fourth, deployment. We have hearings now in the House Armed Services Committee about increasing the size of the Army and the Marines. Right now, there is a request for three new Marine brigades. This is 9,000 more troops and to grow it into 20,000. The Army will take some of those soldiers, but as we continue to make our military bigger, to be ready to carry on future conflicts, because of the lack of planning in Iraq, we are in this situation.

As we see other countries pull back their troops and start talking about deployment, the administration is saying that we need an escalation in troops.

I think it is important for us to realize, especially when you have future generations reading the CONGRESSIONAL RECORD, wondering what went wrong and who were the leaders, to make sure we got back on track.

Now, in November, the American people voted for a new direction. I am 110 percent in the front seat of that new direction, Mr. Speaker. They did not want what they had in the last Congress, a rubber-stamp Congress, and you have not seen the rubber stamp here that we used to have sitting right here, Mr. Speaker.

I mean, it was almost like a passenger in the left side of the car, steering wheel here, but it sat right here, to talk about the rubber stamp Republican Congress. I think the American people, and I am not talking about proud Democrats. I am talking about Independents, I am talking about Republicans, I am talking about folks who never voted before in their lives voted this time because they wanted a new direction.

In this new direction comes a great deal of responsibility, and in that responsibility, you have to have courage and you have to be willing to lead. I say to my Republican colleagues on the other side, many of whom are my good friends, my very good friends, that when it comes down to leadership, you have to be alone sometimes. You have to be one of the five, you have to be one of the 17, you have to be one of the 25 that are saying I am voting on behalf of my constituents, in this case that I am talking about here, my veterans, and making sure that our men and women have what they need.

There are a number of other issues that we can get into, but I think that it is important that we highlight the leadership when it is happening, not, oh, you know something, when you go home. Member, I want to make sure you go home and you tell your constituents there are hearings that are taking place. And you know who can take pride in that, Mr. Speaker? Not just on the majority side, Democrats say we are having hearings. Republicans can go back to their district and say we are having hearings. You know why we are having hearings? Because the leadership demands it here in this House. The Democratic leadership demands hearings on this issue to make sure that veterans know that we are not leaving them behind.

I think what is also important here, Mr. Speaker, is the fact that in the last Congress, we had the chairman of the Veterans Affairs Committee who said, you know something, I am going to do what the veterans want me to do; I am not going to do what the Republican leadership wants me to do; I am going to do what is right. And guess what, he was stripped of his chairmanship. Not only stripped of his chairmanship, thrown off the committee. This is a man who went through whole process, whole seniority, serving on the committee and was thrown off the committee because he did the right thing on behalf of the men and women that wore the uniform. Not in this Congress.

In this House of Representatives, in this Democratic House of Representatives, we look forward to leadership opportunities. This is an opportunity.

In the supplemental budget, over $3 billion were given to veterans health care because we took the leadership opportunity to carry it out. We said we had the will and the desire. We have it. So I think it is important to speak in a bipartisan way, to be able to allow Members to go back to their districts, need it be Democrats and Republicans, and say we are having hearings. Matter of fact, the hearings that took place this week, there will be hearings tomorrow, there will be hearings on Monday, there will be hearings, I guarantee you, on a couple of days next week, and out of those hearings, action will take place. Not just hearings, say okay, let us just show, but action will take place. And as we figure out what is going on in other parts of the country, it is important.

What I want to make sure I do is I have the Web site because I want Members and I want to make sure veterans know and report where these issues fall short. I want to make sure the Members have it so this is the 30somethingdems@mail.house.gov, 30somethingdems@mail.house.gov. We also ask you to visit, which we will give you more information about what is happening here as it relates to hearings, and go to www.speaker.gov/30something/index.html. That is a lot there but on the top here, 30somethingdems@mail.house.gov.

We want to hear it, Mr. Speaker. We want to do something about it, and I think it is important that we have the opportunity to do that.

One thing I want to also point out here, Mr. Speaker, and I would encourage the Members once again, is if you have it, it should be in all the Members' offices, the latest Newsweek article or Newsweek magazine which is March 5, 2007. It came to my office. I know it went to a number of other offices. This is compliments of Newsweek. I get one at home, too. ''Failing Our Wounded,'' a special investigation. In this publication here you will hear a lot and see a lot. Also, you can go on washingtonpost.com, and in case you missed it, there is an area there where you can read about some of the failures of not only Walter Reed, but veterans services that are in so bad a condition right now because of the lack of funding and because of the lack of leadership from Washington, D.C., in prioritizing the needs of our veterans.

In the article, you have a number of hospital officials that knew of the neglect and also complained about it and voiced their opinion for years but have not been heard, and we know that we have a number of veteran organizations that have come to Washington, D.C., looking for justice. But guess what, I think they are coming this time knowing that they will have an opportunity to sit before a committee. I think they will come knowing that they will have a chance to see something happen this year and in the future budgets as long as you have Democratic control here in this House, and I think it is important and also with some of my friends on the other side joining us.

We talked about oversight. We talked about accountability, but I also want to say, as of a week ago, 52 hearings as it relates to oversight of the Iraq War have taken place.

□ 1830

Unlike the 109th Congress, the 108th Congress, and Congresses before that one, there have been a number of hearings that have taken place under the Capitol dome.

Why are these hearings important? Members are being educated on the issues. Why is education important? We can govern better. We can govern better on behalf of who? The American people.

That did not happen at the beginning of this war. That did not happen when we had bills sweep through this House of Representatives, and Members were challenged: if you didn't vote for it, you with not for the troops.

Well, the bottom line is that I think we are all, I haven't run into a Member of Congress who says I am against the troops, or an American who has said that I am against the troops, we are all for the troops. The real issue is, do we have enough leadership, or have we had leadership in the past to be able to make sure that we have our troops' backs like they have ours, in the care that they deserve for the rest of their lives?

And when we talk about that, we have to talk about individuals going back to their families, Mr. RYAN, who have real issues. Some of those issues can be between the years of being in warfare for 3 years, 4 years, and being asked to go back. We are talking about families, we are talking about communities, we are talking about something that needs special care and needs counseling and treatment. And so when we talk about those things, we have to do something about them.

So that is why I am very, very pleased that these hearings are taking place, Mr. Speaker, because the leadership is there to make those hearings happen. There will be Democrats and Republicans a part of it. I am glad that staff was deployed from the Democratic Congress to Walter Reed Hospital and other hospitals here in the Washington area, outpatient centers, to make sure that we can get to the bottom of the problem and make sure that we start working towards a solution.

And I want to say, Mr. RYAN, before I yield to you, that I commend the individuals that work in our veterans hospitals for blowing the whistle and talking to the press and talking to the staff about some of the issues that veterans had to face. I want to commend those veterans or those active duty and those individuals that are no longer on active duty, also our National Guardsmen and our Reservists that have been activated for sharing information. And we encourage you to continue to share information so that we can do better, because the willingness and the desire here is in this Democratic Congress to make sure that you get what you need and what you have coming to you.

Mr. RYAN of Ohio. I appreciate it, Mr. MEEK. And I was watching you earlier talk about this, and I appreciate your concern and your passion on the issue. And I just can't help but thank Mr. MURTHA and the Speaker for taking such quick action on this.

This is the kind of thing that unfortunately has been going on for a long time, not only in this particular institution due to a lack of oversight, but also this is what has been going on in Iraq. The stories that we hear coming out of some of the oversight committees are absolutely atrocious to hear about the waste of money and some of the situations on the ground in Iraq.

Then to hear the story about Walter Reed, it just seems to consistently be a lack of owning up to what the current situation is on the ground or in the hospitals or wherever the case may be. And that is why you have to have an open process. That is why you have got to have hearings. And if we would have maybe over the past couple of years had more oversight hearings on these situations, maybe we wouldn't be in the situation that we are in today.

I want to share with you, Mr. MEEK, and I apologize because I have to leave in a couple minutes but I wanted to come by and support you and add my two cents here, today in the Washington Post regarding the complaints at Walter Reed, and this is what is really damning here as far as the issue goes, on the front page of the Washington Post:

''Top officials at Walter Reed Army Medical Center, including the Army's Surgeon General, have heard complaints about outpatient neglect from family members, veterans groups, and Members of Congress for more than 3 years.

''A procession of Pentagon and Walter Reed officials expressed surprise last week about the living conditions and bureaucratic nightmares faced by wounded soldiers staying at the D.C. medical facility. But as far back as 2003, the commander of Walter Reed, General Kiley, was told that soldiers who were wounded in Iraq and Afghanistan were languishing and lost on the grounds, according to interviews.

''But according to interviews, Kiley, his successive commanders at Walter Reed, and various top noncommissioned officers in charge of soldiers' lives have heard a stream of complaints about outpatient treatment over the past several years. The complaints have surfaced at town hall meetings for staff and soldiers, at commanders' sensing sessions in which soldiers or officers are encouraged to speak freely, and in several Inspector General's reports detailing building conditions, safety issues, and other matters.''

That is what hurts, Mr. MEEK, is the fact that people knew about this. And

one of the most prestigious obligations that we have as Members of the United States Congress, as Members of the House of Representatives, being the most closely, directly elected officials for the people of this country to represent them in their Federal Government is that we have oversight responsibilities. And to neglect those duties, as the 109th Congress did, on Iraq, on contracting, on intelligence, on all of these things, blistering accounts that we are learning about, this is what hurts, that these kinds of situations could have been prevented, and if not prevented, immediately fixed.

And when you think about this, just ask, just ask us, is this Congress, whether Republican led or Democratically led, going to say ''no'' to our soldiers? That is not going to happen. But the fact that this administration refuses, talk about a culture which we talked about in the 109th Congress, a culture and a complete culture of an unwillingness to accept the fact that things can go wrong. We are all human beings. Things go wrong; mistakes are made. The key is to fix them. The key is to not make the same mistakes twice, or in this case, many, many, many times over. And the fact that a few soldiers had to go through this is a shame. But when the problem isn't fixed, when the problem continues and we have hundreds and hundreds and hundreds of soldiers go through this same situation, Mr. MEEK, when it could have been fixed I think is a tragedy.

So I want to commend you for bringing this up and sharing this with the House of Representatives and the American people. And I want to commend you for your service on the Armed Services Committee in these difficult times and a lot of the tough decisions that you have to make on that committee.

So I yield back to my friend, and I apologize for having to cut out on you early; but you are doing all right on your own.

Mr. MEEK of Florida. Mr. RYAN, I appreciate you coming down, sir. You are one of the most dedicated members of the 30-something Working Group. And I know now that you are an appropriator that you have many more responsibilities. And I want you to continue to do those great things that you do on the Appropriations Committee, and I want to thank you for your service on the Armed Services Committee in the last two Congresses. But this is a very, very serious issue, Members; and I am glad that you did find time enough to come down here.

Mr. Speaker, I think it is important that we look at some of the issues that we are facing here, not only on this article, or articles, out of The Washington Post, not only what Americans are going to be reading in Newsweek and other publications that are going to uncover or shed light on the obvious that so many veterans have been talking about for so many years. One thing for myself, being in the political minority in the last two Congresses and the frustration of not having the opportunity to schedule a hearing, Mr. RYAN said something and I want to just be able to shed light on it, because we have a lot of new Members and I want to make sure they understand.

Of course, when you are in the minority you can't call the hearing. It is what it is, like so many people say on the street. You are in the minority, that is it. You can try to do what you can do, but you are not going to call a hearing. And the fact that we have hearings that have been called and hearings that have already taken place and staff that has been deployed to tackle this issue already allows the American people to witness change, to witness a new direction. If I said it three times in my talk here this evening, I will say it again. In politics and what gives people the will and the desire to go vote in the first place is to witness change when they feel that it needs to happen.

We talked about a new direction, Democrats did, in the last election. And to actually talk about it and then do it is extraordinary, especially here in Washington, D.C. to be able to go back to your district and say we are going to do something about this lack of service, outpatient service, lack of priority, cut in funding.

I spoke earlier, and I am going to highlight what has happened and then I am going to say what we have done in the first action of being able to direct appropriations in the area that it should go in versus special interest giveaways, versus you have to be plugged in or connected to get certain things out of this Congress just on behalf of those that have served.

I just want to run down this line here, and I have a chart here. As you know, we have a lot of charts in the 30-something Working Group because we want to make sure that Members know exactly what they need to know, when they need to know it, so that their constituents and my constituents, I can't go home and say, I didn't know that, no one said anything about it. These bills are moving around, some of them are 500 pages. I didn't know what was there. So as we look at what is happening or what has happened, we have to reflect on the past to have a better future. And that is the good thing about what we are doing here.

Bush and Republican budget funding for veterans: January 2003, the Bush administration cuts off veterans health care for 164,000 veterans, 68 Federal Reg 2670, 2671, January 17 of 2003.

The reason why I read that probably means nothing to the lay person, but for those of you that know where to find this information, it is gold. As a matter of fact, it is platinum. Third-party validators is what we do here on the 30-something Working Group. And on the Democratic side, we believe in third-party validators. The Washington Post is a third-party validator of what we have been talking about in the minority. Now we are glad we are in the majority to do something about it.

Third-party validator is a Newsweek cover: ''Special Investigation on Failing Our Wounded,'' that we have been talking about and 12 years in being in the minority. Now we are in the majority, we are doing something about it, what I talked about and what am going to highlight again.

March 2003, Republican budget cuts off $14 billion from veterans health care. It passed the Congress with 199 Democrats voting against it. 199 Democrats. That is House Concurrent Resolution 95, vote number 82, and that took place on March 21 of 2003.

I think it is important also, on March 2004, Republican budget that short-changed veterans health care cut by $1.5 billion.

I think you are getting the message here, Members, of what we are talking about here. And I can go on and on and on about what has not happened and what we have fought for; but I want you to look right down here at the bottom, because this is proof in the pudding and this is the new direction, Mr. Speaker and Members, that we speak so much about here on this floor, and it gives me great pride. I mean, I feel almost fulfilled spiritually, leave alone professionally as a Member of Congress, to be a member of a majority that is about action and about a new direction.

□ 1845

When you look at this, January 31, 2007, that was just a month ago, we had to pass a concurrent resolution or a continuing resolution because the work was not done from the 109th Congress that should have been done prior to this time. We had to come in and clean it up. But guess what, in the cleanup we found some waste and special interest, giveaways, and we came up with $3.6 billion in health care funding to replace some of the cuts that the Republican majority made in the last Congress. I almost feel like an attorney in a closing argument. I can rest my case on that.

Now, Members can come down here and spend hours upon hours upon hours talking about I love the veterans, oh, I love the troops, oh, my goodness, I get teary-eyed every time I see a veteran or pass a post. But $3.6 billion is action, and I want to make sure the Members who voted against that continuing resolution know that you missed out on an opportunity to do something great, $3.6 billion for veterans health care.

Now, guess what, Member, if we didn't put that $3.6 billion and had an opportunity to do something about what did not happen in the past on behalf of veterans, could I speak here on the floor of the House of Representatives representing to the Members of this House of Representatives that we did the right thing back on January 31 of this year?

Sometimes we know of the glory but we have to tell the story, and the story is having the will and having courage, willing to do something on behalf of those who have sent us here, in this case, since we are talking about the veterans tonight, those that have allowed us to be in the Capitol, saluting one flag and secure, those that allow my children to live in a free society, those that have had friends that have paid the ultimate sacrifice, those that it takes longer than 2 hours in the morning for them to get out the door because of the price they paid.

Members, this has to be bipartisan, and so when we look at what has happened under a partisan venue, we have to be excited about $3.6 billion and counting in the future. We have to be excited about the oversight hearings that I have talked about that Mr. MURTHA is going to have as chairman of the Defense Appropriations Subcommittee on Appropriations. We talked about the Armed Services Committee, oversight committee, going and having hearings.

We talked about the Budget Committee that has already had a hearing. We are talking about the Senate doing the same thing on that side. We are talking about deployment of staff into veterans hospitals finding out the damage, what has happened because of the lack of funding that has been cut off over the years. That is substantial; that is substantial.

I would urge the Members on both sides of the aisle to go home and tell your constituents that we are on the job, that we are going to make it happen on behalf of their uncle, on behalf of their aunt, on behalf of their mother that may be deployed right now. But when she gets back, we are going to have her back. That is what is important, not lip service, but action.

Now, as a Member of Congress it gives me no pride to talk about the failures of the Bush administration or the past Congress, or even this Congress. We are not even 3 months into a new Congress. We have had 52 hearings dealing with Iraq plus, and I have to make sure that staff gives me the new numbers when we get back here next week, and counting, to give the American people the accountability that they deserve, those that are in harm's way, that they deserve.

You let some tell you here in the House of Representatives, oh, Democrats are weak on defense. We are for the veterans, don't you know?

Well, you know something, the thing about the story is the fact that it has bumps in it. The thing about the CONGRESSIONAL RECORD is the fact that it tells the truth, and the truth will set you free like we have heard so many times in places of worship. But it will set you free when it comes down to the track record.

We have the Republican side that says the tax-and-spend Democrats. Okay, what does the record reflect? The record reflects great accountability.

Guess what, the only party in the history of this country that has ever balanced the budget was the Democratic Congress without one Republican vote, the only party.

They talk about budget reduction and all that, but the bottom line is you can't hold, you can't have one arm on special interest and another arm on responsibility and make sure it all gets out because you know what, in past Congresses, special interest has always won. So as we start to look at this issue, we learn more about what is going on in our outpatient services, and we learn more about the lack of service that our veterans are receiving, not just the new ones, but the ones that have been there and suffered for years, and have suffered even more of the cuts of the Republican leadership in the White House and here in Congress.

The story, goodness, a Republican chairman of a committee of the Veterans' Affairs Committee did the right thing at one point and said, I am going to do this on behalf of veterans here in the United States of America; and those that are abroad at foreign bases and their families, we are going to do the right thing for him, and he was stripped of his chairmanship. I challenge any Member to come down here and challenge me on that fact. They won't, because it actually happened.

I guarantee you, the present chairman of our Veterans' Affairs right now will not be stripped for working on behalf of veterans. That will not happen. I say that with great confidence.

So I am excited. I mean, we just broke for the week. I am just glad to be here tonight to just witness, like we say in the Baptist Church, a change in a new direction.

I am so glad that the RECORD will reflect, not just American people but Democrats, that when the American people voted for a new direction, it actually happened. We are moving in a new direction.

Every time I see the votes on the board right above our heads here, we have bipartisan votes, it makes me feel even better about what we are doing, because that means that you are doing the right thing. This is a partisan arena here in Washington D.C. By the rules it is partisan. By the fact that you cannot even call a committee hearing, it is partisan. It has been that way for a very, very long time.

When you start to see Members breaking ranks with partisanship to say, I need to vote for this very good thing for my constituents, that is powerful, because it hasn't happened before; and I am not talking about procedural votes to the Members. We know Members are going to vote on the issues.

As we start to do good things on behalf of our veterans, we look forward to that bipartisan spirit. We look forward to it, and we know that there will be votes that we have to be bipartisan on. But I can tell you one thing: when it comes down to our veterans, we have to be together on this. National security, we have to be together on this. We have to be together on a number of issues, health care, what have you, because the country is looking for us to be leaders.

I am so glad that we have a Speaker that is a leader. I am so glad that we have Members that are serving in leadership positions on oversight committees that are leaders and really don't mind being talked about and misunderstood from time to time, because the outcome measures will reflect, out of the appropriations committees, Ways and Means, you name it, the Budget Committee, the priority of American people.

They are not just Democratic ideas. These are ideas that are American and that are right. We can't point at another country and say, look, wow, they don't even have good uniforms, when we are not following, we are not doing, we are not leading by example, just put it that way.

So I wanted to point this out, and I am glad that I had this information handy here to be able to share with the Members and allow them to have a chance to reflect on some of the issues of the week and also issues that will be coming up next week.

The last point, and I think this is very, very important, at Walter Reed today a major general stepped down. But you know something, it goes higher than that; it goes higher than that. A two-star general stepped down today from Walter Reed, stepped down, resigned. It goes higher than that. This reminds me of other issues that because of a lack of oversight have taken place in our Federal Government, and the first person to go is the person almost to the bottom of the totem pole. This goes higher than that.

I am excited that the Secretary of Defense did go out there, but I am going to tell you something. As we start to peel back the issues on this issue of failing our wounded, because of a lack of funding, more and more individuals, more and more e-mails that will be uncovered of who knew what when, who did not act, and it may lead very well back to the White House, may very well lead back to the past Congress, it may very well lead back to a high-level bureaucrat that looked the other way, because it was okay to look the other way.

This is not a witch hunt; this is about making sure that our veterans understand that we are moving in a new direction. If the administration is not willing to be a part of that new direction and wants to hold on to their original thoughts, then we are just going to have to show them that direction; and that is going to take courage, it is going to take leadership, and I know that the majority Members of this House have that courage and leadership.

Again, before I close, I want to commend the workers at Walter Reed. I

want to commend those that came forward. I want to commend those individuals that have been working for 15, 20 years, taking care of our wounded, taking care of our men and women in said communities, and we look forward to continuing to support them in that effort, and help is on its way. As a matter of fact, help is already there.

You can e-mail us, Members, at 30somethingdems@mail.house.gov, and our Web site is www.speaker.gov/30something.

I want to thank Mr. RYAN for being a part of this hour. I want to thank the Speaker and the Democratic leadership for allowing the 30-something Working Group to come to the floor one more time. It was an honor to address the House of Representatives.

EMPLOYEE FREE CHOICE ACT AND PEAK OIL

The SPEAKER pro tempore (Mr. CARNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, there is a question that often comes to my mind, as I sit here in these Chambers. I have spoken about it often, what made America great. I have been reminded of this question in my past speeches on this topic as the debate evolved regarding the inappropriately named Employee Free Choice Act, H.R. 800. We had a debate that I never thought would take place here in the Chambers of the House of Representatives of the United States, questioning the use of the secret ballot.

Now, I am asking myself again, what keeps America great? It is what our military is fighting for in Iraq, it is what they fought for in our American Revolution, our Civil War, World War I and World War II and every war great and small when our country has put our greatest treasure, the lives of soldiers, sailors, marines and airmen at risk.

What keeps America great is our commitment to the vigilant defense of the cause of freedom as expressed by the will of the people. Expressing their will by voting with secret ballots is integral to keeping America great.

Our Constitution guarantees us freedom of speech and of religion. These are precious freedoms that allow us to prosper, to learn, to own property, to start a business, to teach our moral and civic values and build a legacy of wealth and knowledge for the next generation.

But it is the greatest freedom for citizens to decide or to vote using a secret ballot that sets our Republican forum of government apart. Secret ballots allow people to freely make decisions through our elected process, decisions made about not only who will represent them here in the Congress but also in their hometowns, decisions about what new amendments will be made to the Constitution, State or Federal.

□ 1900

There are codicils in the contracts we have with our government about how we want to be governed. Voting is a basic tool of a free society. Thomas Paine said in his dissertation on first principles of government that, and I quote, ''the right of voting for representatives is the primary right which other rights are protected.''

Voting is basic and natural to us. We have learned from an early age as school children voting for class presidents, and we expect it in adulthood as we elect representatives to our local, state and Federal elections.

It took a long time in this country to universally use secret ballot to make freedom's choices. But once in use, the secret ballot is not only the norm, but also the pinnacle tool which permits our countrymen to make these decisions, great and small, freely, without fear of intimidation or reprisal.

Mr. Speaker, we surely can't be serious when we pursue taking away from the rank and file worker the use of the secret ballot as the main vehicle for making decisions to unionize or remain an open shop. There may be problems with the unionizing process, but voting by secret ballot, I can assure you, is not one of them.

We here in the United States have acted as counselor to other governments and governing bodies on the requirements of a free and fair election. After all, we are the longest enduring republic in the history of the world.

I am going to reference such advice given on the U.S. Department of State Web site. If you search for principles of free and fair elections, you will find the requirements of an election. We here in Congress can benefit from relying upon this advice when considering the path to conducting union recognition process. And I quote, ''universal suffrage for all eligible men and women to vote, democracies do not restrict this right for minorities, the disabled, or give it only to those who are literate or who own property.'' Obviously, we want all people affected by union decision to have a right to vote.

I am going to add a few words about American history's path to universal suffrage here, because it is useful to understand our painful evolution to reach a point where voting went from the select few to every adult.

It has only been in my lifetime that true universal suffrage has been realized in our great country. We fought a great civil war that only put us on the path toward universal suffrage. We still had many battles to come. From 1865 to 1870 the Constitution was amended three times to guarantee equal voting rights to black Americans, but still the struggle continued. There were setbacks as States and localities undermined this Federal guarantee.

At the turn of the last century, there were barriers to achieving universal suffrage. Poll taxes and literacy tests denied many black American men the ability to exercise their right to vote. Jim Crow laws protected segregation. Not until the 1950s did our laws begin to change to put an end to segregation. The 1965 Voting Rights Act provided the means to the Federal Government to ensure the ability to vote by black citizens that is guaranteed under our Constitution.

Suffrage for women was long in coming. In 1776, Abigail Adams wrote, to her husband, John, who was attending the Continental Congress in Philadelphia, she asked that he and other men who were working on the Declaration of Independence remember the ladies. John responded with humor but got his point across; that the Declaration says that all men are created equal applied equally to women, he told her.

After the Civil War, Elizabeth Cady Stanton and Susan B. Anthony formed the American Equal Rights Association, an organization for white and black women and men dedicated to the goal of universal suffrage. Other organizations followed. Still, in 1868, 3 years after the end of the Civil War, the 14th amendment was ratified but only provided for male suffrage. It was not until 1920, after many struggles, and only 86 years ago, that the 19th amendment was ratified and women in this country achieved the right to vote.

Let me go back now to that Web site of the U.S. State Department. Principles of free and fair elections: And I quote again, ''freedom to register a voter or to run for public office, these are the qualities, the characteristics that society must have if they want to have free people and fair elections.

''Freedom of speech for candidates and political parties: Democracies do not restrict candidates or political parties from criticizing the performance of the incumbent.

''Numerous opportunities for the electorate to receive objective information from a free press: Freedom to assemble for political rallies and campaigns.

''Rules that require party representatives to maintain a distance from polling places on election day: Election officials, volunteer poll workers and international monitors may assist voters with the voting process, but not the voting choice.

''An impartial or balanced system of conducting elections and verifying election results: Trained election officials must either be politically independent, or those overseeing elections should be representatives of the parties in the election.''

And now, the next two points, especially the last, are points that we really should well remember. ''Accessible polling places: Private voting space, secure ballot boxes and transparent ballot counting.''

And then this one, Mr. Speaker. ''Secret ballots.''

This is our advice on our State Department Web site to those who would like to emulate us and establish a government as free and fair and great as ours.

This is what it says. ''Secret ballots. Voting by secret ballot insures that an individual's choice of party or candidate cannot be used against him or her.''

It is only through the use of the secret ballot allowing for privacy voting without fear of reprisal that we can determine the true will of the people or the true will of workers. Do they want to be represented by a union or not?

If we keep in mind the advice that we so freely give to those outside our country, we can create a system for America's labor which will work for them. And frankly, who should be more protective of this basic tool of our society? Who should understand that the secret ballot should be the tool of choice for the members and their political members, but the union leadership themselves?

The union history is as painful as the struggle for the basic right to vote endured by blacks and women. The Industrial Revolution did usher in one of the most ugly periods of our history. Worker abuse, child labor abuse was, in fact, a huge problem. Brave men and women who formed unions led the efforts that addressed intolerable working conditions.

There will always be a place for employee unions. However, employee abuse by employers should not be replaced by employee abuse by unions.

In today's Los Angeles Times, not, I would remind you, Mr. Speaker, a conservative paper, in today's Los Angeles Times, there is an editorial entitled ''Keep Union Ballots Secret. Doing away with Voting Secrecy Would Give Unions Too Much Power Over Workers.'' This is the title of their article. This editorial outlines the issue well and, I believe, reflects the sentiment of the country.

Indeed, in recent polls, 87 percent of the American people believed that we should have secret ballot elections for determining whether a group of employees wanted to unionize or not.

We, in this body, are privileged to serve, because we were elected to represent our constituents in secret ballot elections. We took an oath, and we have the obligation to serve not big labor or big business. Our sole obligation is to uphold the Constitution and serve the individual residents of our districts.

I agree with Los Angeles Times editorialist. In part, I would like to quote that editorial, with which I wholeheartedly agree. And this is what it says. ''Unfair labor practices deserve tougher penalties. But improper influence can work both ways. As a rule, union membership improves worker prosperity and safety. Even so, the bedrock of Federal labor law is not unionism under any conditions, but the right of workers to choose whether they want to affiliate with a union.''

This, from the very liberal Los Angeles Times. ''Unions once supported the secret ballot for organization elections. They were right then and are wrong now. Unions have every right to a fair hearing. And the National Labor Relations Board should be more vigilant about attempts by employers to game the system. In the end, however, whether to unionize is up to the workers. A secret ballot insures that their choice will be a free one.''

Mr. Speaker, I ask again, in conclusion to these remarks, what keeps America great? It is our commitment to a vigilant defense of the cause of freedom as expressed by the will of the people, and the will of the people is best and freely expressed by secret ballot elections.

As I read this, Mr. Speaker, my mind goes back to a comment made by Benjamin Franklin as he came out of the Constitutional Convention in 1787. Many copies of the Constitution may have this little quote on the front leaf page. He was asked, tradition has it, by a woman, who said, Mr. Franklin, what have you given us? And his answer was, a republic, madam, if you can keep it.

There are two things about this statement, Mr. Speaker, that deserve some reflection. The first is a republic. We do the Pledge of Allegiance to the flag and we note the republic for which it stands. And then we all too often get up and talk about the great democracy in which we live.

What is the fundamental difference between a democracy and a republic? And why was Mr. Franklin explicit in a republic, madam; if you can keep it?

A couple of examples of a democracy may be helpful in permitting us to understand why Benjamin Franklin was so specific. A somewhat humorous example of a democracy is two wolves and a lamb voting on what they are going to have for dinner. You see, in a democracy, the will of the majority controls. And if these two wolves and a lamb were in a true democracy and they were voting on what they should have for dinner, I suspect that the result might be lamb.

Let me give you another example of a democracy. And I kind of hesitate to do this because I don't want to be misunderstood. But I think it says very clearly what the difference between a republic and a democracy is.

If you will stop and think about it, I think you will agree that a lynch mob is an example of a democracy. Surely, in a lynch mob, the will of the majority is being expressed. Aren't you glad, Mr. Speaker, that you live in a republic?

Now, what's the fundamental difference? To help me understand this, I reflect back on an experience in our country with a President, Harry Truman, ''Take Charge Harry,'' who made a very abrupt decision when the steel mills were going to strike. Then we did some manufacturing in this country, and it would have mattered. And our economy was already in trouble and was going to be in bigger trouble if the strike occurred. And so President Truman nationalized the steel mills. What that meant was that the workers at the steel mills were now Federal employees, and as such, by law, they could not strike. And so this averted the strike. This was a very popular action.

The Supreme Court met in emergency session and, in effect, what they said was, and by the way, Mr. Speaker, this is just one of two times in our history that the Supreme Court has set aside an executive order of the President.

□ 1915

This is in layman's language what the Supreme Court said to the President: Mr. President, you can't do that. You can't nationalize the steel mills because that is unconstitutional. You see, in a Republic we have the rule of law, no matter what the majority wanted, and clearly then the vast majority of Americans wanted what their President did. They were approving of nationalizing the steel mills, which avoided the strike. But the Supreme Court said you cannot do that because, you see, that is unconstitutional. The fundamental difference between a republic and a democracy is that in a Republic, we have the rule of law.

This Constitution that I hold in my hand is the fundamental law against which all other laws are measured. Now, we can change it. We have done it 27 times. But that is a very thoughtful process. It is two-thirds of the House and two-thirds of the Senate and it bypasses the President and goes to the State legislatures, and three-fourths of the State legislatures must ratify it.

It has been quite a while since we amended the Constitution. The last time we tried to amend the Constitution, it was the so-called ''equal rights amendment.'' Nobody argued that women should not have equal rights, and nobody argued that we didn't need to do something to assure that women had equal rights. And that amendment almost made it through the three-fourths of the State legislatures. But suddenly it began to dawn on people that what that amendment required was not quite what we wanted. What the amendment required was that you could not differentiate between men and women. If you are going to have a draft for the military, you would need to draft women as well as men. And so ultimately the equal rights amendment failed. It did not pass.

I think that if we could be so fortunate as to have some of these Framers of our Constitution be resurrected and join us here that they would counsel, as Benjamin Franklin did when he answered the woman's question by saying ''A republic, madam, if you can keep it.''

Abraham Lincoln understood that this was a new experiment that might not work: ''Four score and seven years ago, our fathers brought forth on this continent a new Nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.''

We read those words and we slide through them so easily: ''that all men

are created equal.'' Of course, they are, you say. But to most at that time this was a revelation because most of the pioneers that established this great country came from either the British Isles or the European continent. And in almost every one of those countries there was a king or an emperor who incredibly, from our perspective, demanded and was granted divine rights, which said that the rights came from God to the king or the emperor and he would give what rights he wished to the people. Sometimes they were few, and sometimes there were more than a few rights that were given to the people.

But our Founding Fathers declared in the Declaration of Independence that all men are created equal and endowed by their creator. Mr. Speaker, do you think our courts might declare the Declaration of Independence unconstitutional because it mentions God, it mentions our creator? Endowed by our creator with inalienable rights: life, liberty, and the pursuit of happiness.

I don't know what was in Benjamin Franklin's head when he made the second part of that statement to the lady: ''A republic, madam, if you can keep it.'' Do you think he was concerned about some foreign power coming and conquering our country and taking our Republican form of government away from us? I doubt it. We are on the other side of a really big ocean. It took a lot of ships and a long time to gain any meaningful number of troops here. I suspect that he was more concerned about the threat to our Republic from within.

It has been said that the price of freedom is eternal vigilance. You just can't ever, ever let down your guard. We are the longest enduring Republic in the history of the world. And I have asked myself many times how did we get here and why are we so fortunate, this one person out of 22, or less than 5 percent of the world's population, and we have fully one-fourth of all the good things in the world?

I think very often about this question as I recognize that we no longer have a population with the best work ethic in the world. I just came from China about 6 weeks ago. We no longer have a population that is focused on science, math, and technology. We no longer have a country that prizes the nuclear family. We no longer have a society that prizes that. Nearly half our kids are born out of wedlock today. I would suggest today society is at risk when half of the kids are born out of wedlock. So what is it about this great country that makes us so special that we have a fourth of all the good things in the world?

I think there are two things, and I want to focus for just a couple minutes on one of them, and that is the incredible protection that our Constitution gives to our civil liberties. There is no other constitution, there is no other country that has such respect for civil liberties. I think that in large measure it was this respect for our civil liberties that established a climate in which creativity and entrepreneurship could flourish. And I rise tonight because I am concerned about any threat to these civil liberties, and I think when we change the way we vote for any process from the traditional secret ballot process to something where your vote is exposed that in some little way you put at risk the civil liberties and start down a path that I don't think America needs to go down or wants to go down. Civil liberties are always a casualty of war, and I guess I am a little sensitive now because we are in a war.

Abraham Lincoln suspended habeas corpus. In World War II, my friend Norm Mineta, with whom I served here, a few years younger than I, a Japanese American, now Secretary of Transportation, told me, he said, ''Roscoe, I remember holding my parents' hand when they led us into that concentration camp in Idaho.''

That war is over and we are embarrassed we did that. Civil liberties are frequently, perhaps always, a casualty of war. And I remember that counsel that the price of freedom is eternal vigilance. So excuse me, Mr. Speaker, if I seem to have maybe a bit overreacted to the dialogue that occurred here today because I am just so jealous of who we are and the great privileges that we have.

And now I want to turn our attention in the remaining time to a subject that I have come to the floor 22 previous times to talk about. And I think the great freedoms that we have are going to be tested as we meet the challenges that are ahead. I want to begin this discussion and will be discussing energy and one particular aspect of energy which is now fairly conventionally referred to as peak oil. I would like to note that it was the 14th day of last March that I gave my first speech on the floor here on peak oil. What I wanted to talk about was the probability that the world was about to reach its maximum ability to produce oil.

Obviously, that had to come at some point. The Earth isn't made out of oil. The amount of oil is finite. At some point we would reach our maximum capacity for producing oil. Few people ever thought about that because oil was just so ubiquitous. It was everywhere. Thousands of cars on the road. Electricity, heat whenever you needed it. And I was trying to decide what to call this and to label the charts, and you may see in the charts we use in a few moments some labels on top of the charts and they are put on with scotch tape because I wasn't sure what to call it.

I was debating between the ''great rollover.'' You see, when you have reached your maximum production of oil, you then roll over and start down a slope where you produce less oil, and it becomes harder and harder to get. So I thought maybe I would refer to it as the ''great rollover'' and finally decided that I would refer to it as ''peak oil.'' It is a good thing because now everybody is referring to it as ''peak oil,'' and I would have been a little out of step talking about the ''great rollover.''

I have here an article that appeared today from the Associated Press published March 1, 2007. That is today. And it is an interview. T. Boone Pickens says global oil production has reached its peak. T. Boone Pickens. I didn't really know who he was. I knew he was a very rich and capable man who had an incredible talent at deciding where the market was going and has become very rich as a result of that. I didn't know that Pickens started his career in the 1950s as a petroleum geologist. I don't know if in 1956 on March 8, and we are coming up to the 51st anniversary in a few days, I don't know if he was in that audience in San Antonio or not when a very, very famous speech was given by M. King Hubbert that I will refer to in a few moments.

The article begins by saying: ''Legendary Texas oilman T. Boone Pickens sees today's stubbornly high oil price as evidence that daily global production capacity is at or very near its peak. 'If demand for crude oil rises beyond the current global output of roughly 85 million barrels per day,' Pickens told the Associated Press, 'prices will rise to compensate and alternative sources of energy will begin to replace petroleum. If I'm right,' he says, 'we are already at the peak. And if I'm right, the price of gas will go up. I think there are less reserves around the world than are being reported. There are no audited reserves in the Mid East. It makes me suspicious,' he said.''

Now, he was challenged in this by a friend of mine, a person that I really admire, Steve Forbes. Forbes publisher Steve Forbes challenged Pickens' assumptions during an exchange in the conference, saying political, not technological or geological, roadblocks stood in the way of increasing the world's oil output.

□ 1930

Just give them an incentive to go drill and they will find more oil. With the right incentives in place, more oil could be brought to market and prices could drop, Forbes said.

Forbes referred to Mexico and what was happening there. Pickens responded by saying Mexico is a declining producer of oil, as are most other countries. Indeed, 33, I think, out of the 45 oil-producing countries have already reached their peak and are already in decline.

Pickens responded by saying that Mexico is a declining producer of oil, as are most other countries, naming the United States, Norway, Britain and soon Russia. Indeed, I think Russia now has a second peak that they are declining from. They had an earlier

peak, the Soviet Union before the Soviet Union fell apart, and they now have recovered from that and are reaching a second but smaller peak.

The world has been looked at, Pickens told Forbes. There is still oil to be found, but not in the quantities we have seen in the past. The big fields have been found, and the smaller fields, well, there are not enough of them to replenish the base. This is T. Boone Pickens.

Pickens predicted oil prices will rise this year to an annual average of around $70 per barrel. It was $62 a barrel today. Global consumers led by the United States have already burned through 1.1 trillion barrels of oil, or what Pickens described as nearly half. Many observers will tell you it is half of the world's estimated 2.5 trillion barrels of oil.

This is his prediction. This is a man who has been able to make really good predictions, because he has gotten incredibly wealthy doing it.

From now on, Pickens said, rising demand will be met by higher prices rather than ever larger crude production. He says the days of meeting the demand with producing more are ending. Alternative energy sources will begin to take a share of the energy market until the world evolves from a hydrocarbon-based economy to something that is a mix of hydrocarbons and something else.

Now, since hydrocarbons are not infinite, they are finite, ultimately everything will be the something else. Everything from nuclear, coal, wind, solar, hydrogen and biofuels, stands a chance to assuage growing demand for energy, Pickens said.

I will put up the first chart now. What this chart does is to list the predictions of many of the world's experts, and T. Boone Pickens is not on here because he just made this prediction today and this is a chart made some time ago. It shows here a number of authorities, their background and references and the projected peaking date. What you can see here is that most of the authorities believe that peaking will occur quite soon.

I would like to digress for just a moment to talk about what we mean by ''peaking.'' Traditionally, peaking has meant to refer to conventional oil sources, the kind of oil you will get by drilling a hole in the ground and then pumping it out.

It is almost certain that the production of conventional crude oil has peaked, but we now are able to get the equivalent of crude oil from other sources, like gas to liquids, like oil from the tar sands of Canada, where it is really thick. It won't flow. They lift it up in a shovel that lifts 100 tons, they dump it into a truck that carries 400 tons, and then they cook it, add some volatiles to it so it will flow, and then you have the equivalent of oil. Or really heavy oil, like some of the oil that Venezuela is producing.

Then you might also include an unconventional oil, oil that is in places that is really, really hard to get to, like that last find in the Gulf of Mexico, which I think was under 7,000 feet of water, more than a mile of water, and several miles of dirt. They aren't pumping that yet. I have been told, and you are told a lot of things that may or may not be true, but I have been told that we will start pumping that oil when oil is $211 a barrel, because that is what it will take to get it out.

There are some who believe that the peak is a bit down the road, but you see that they all are pretty close.

There are several others who have made predictions about when peaking will occur. I have been talking about T. Boone Pickens and his prediction that it is now, that we are here. I noted all of these.

I have some remarks here from one of those, and we will look at the next chart now, and this is the chart from a study that was done at the request of the Energy Department and paid for by the Energy Department, by the SAIC, big SAIC organization. The principal investigator was Robert Hirsch, so it is frequently referred to as the Hirsch Report.

In this report, and I have highlighted here something that I thought was significant, he says, the world has never faced a problem like this. World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak.

A number of competent forecasters, I have just shown you a list of those, project peaking within a decade. Others contend it will occur later. Predictions of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity and political influences. Peaking will happen, and he should have really underlined that, peaking will happen, but the timing is uncertain.

The next chart shows some additional quotes from the Hirsch Report. The peaking of oil presents the United States and the world with an unprecedented risk management. Remember in the previous chart it said the world had never faced a problem like this.

As peaking is approached, and note how similar this is to what T. Boone Pickens said in the article today, as peaking is approached, liquid fuel prices and price volatility will increase dramatically, and without timely mitigation, and then he says this, economic, social and political costs will be unprecedented.

Another chart from the same Hirsch Report makes reference to another projection of when oil will peak, and this is a projection made by our own Energy Information Agency using data from USGS. I will spend just a moment on this chart because it holds the essence of a pretty big debate that is going on out there.

The black curve here represents our use. Notice what happened in the 70s, the Arab oil embargo. If that line had kept on going up, as it had been going up for years, it would be way up there, wouldn't it, and there wouldn't be anywhere near enough oil. Eighty-five million barrels wouldn't begin to meet the world's demand if that were true.

There was a stunning statistic during this rapid rise up to the seventies. In every decade up until the Carter years, we used as much oil as had been used in all of previous history. That is stunning. What that means is that when we had used half the oil, there would only be 10 years left. That is not 10 years at that use rate, because it is going to be harder and harder to get, so it is going to fall off in what can be pumped.

But, fortunately, we had a wake-up shock, and we found out how to do a lot of things a lot more efficiently. Your refrigerator and air conditioner today may be three times more efficient than it was at the time of the Arab oil embargo. I don't think anybody will argue that we aren't living as well today as we did in the seventies, and we are using precious little more oil than we did in the seventies with a fair sized increase in the population. So efficiently really is possible, isn't it?

Well, back to this chart. USGS uses a very interesting technique for predicting how much oil is yet to be discovered. They have some very elaborate computer simulations, and they make some assumptions, and they put these assumptions into the computer simulations and then run these simulations. And they change the assumptions, because it might be a little higher or might be a little lower. So they have done this a very large number of times. Then they graph the frequency of certain predictions, of how much oil will be produced against the quantity that will be produced. Then they pick the mean of this.

This is the mean of their computer projections. They pick the mean of this and they say that that mean is the expected value. This is simply the result of putting some assumptions into some computer models and then running it a number of times.

Now, this says probability, but in their charts it says frequency. I don't know how frequency got translated to P for probability, but there is a bit of miscommunication here. They say that the low probability is the 95 percent probability. Of course, this was the number where there was 5 percent of predictions on one side and 95 percent of predictions on the other side of this point on their graph.

Now, what they called the 95 percent probability is what T. Boone Pickens said, you remember he had 2.3, that is slightly different from this, 2.5, something like that, slightly different from that, as the total amount of oil that had been discovered in the world, a little over 1,000 gigabarrels. And we use ''giga'' rather than billion, because a billion in England I think is a million million, and a billion here is 1,000 million. So if you use billion you may be misunderstood, but giga apparently around the world means a billion, and,

of course, 1,000 gigabarrels is a trillion gigabarrels, and this is 2.248 trillion gigabarrels, 248,000, which is 2.248 gigabarrels of oil.

Now, their mean, they say, reflects the probability that we are going to find half as much oil as we have ever found, half as much more oil as we have ever found in the past. And they even have a high 5 percent probability where they say we might find twice as much oil as all the oil we ever found in the past.

Now, even with this assumption, and this is really important, even with this assumption of the mean, and that is the red line here, you see, the mean, even with the assumption that we are going to find half as much more oil as we ever found, or to put it another way, we are going to find as much more oil as all of the reserves that now exist, even with that assumption, look where peaking occurs. 2016. That is just around the corner.

□ 1945

Now, if we don't find that additional oil, then the peaking would occur here. This is 2000. We are now in 2007, slightly after that, which is when T. Boone Pickens said it has occurred.

The second part of this chart shows another interesting thing, and that is if you use enhanced oil recovery, you will certainly get the oil more quickly. You may get some more oil, too; but the primary thing you will do is get it quicker. But if you pump it now, it won't be available later; and so they show a very steep drop there.

The next chart shows a comment by one of the giants in this field, James Laherrere, and he made an assessment of the USGS report which was the basis for this prediction of our Energy Information Agency that we are going to find this incredible amount of new oil. This is what he says: ''The USGS estimate implies a fivefold increase in discovery rate and reserve addition for which no evidence is presented,'' no evidence other than their computer modeling. ''Such an improvement in performance is utterly implausible given the great technological achievements of the industry over the past 20 years, the worldwide search, and the deliberate effort to find the largest remaining prospects.''

We now have vastly better discovery techniques. We have computer modeling. We have 3–D seismic, and we pretty much have mapped the world. And oil and gas can occur only in fairly unique geological formations, and we know what those formations are, and we know pretty much where they are.

The next chart is very interesting. It shows the EIA projections of discovery, how much oil we were going to discover. This is the discovery peak, not the use peak because we in the past discovered enormously more oil than we used. But this is the discovery peak. They made this chart in about 2000 and this red line was the discovery peak in the past up to that time. Then they made three projections for the future.

One was their 50 percent probability. The mean, which is the 50 percent; the P 95 which is the yellow one; and the blue one, which is the 5 percent probability. They said there was a 5 percent probability we would find an incredible amount of oil, and they said there was a 95 percent probability that we would find only this tiny little bit done here. And the mean was this green line, and they saw it going up better and better.

But look at what happened. The red data points show that the discoveries were precisely what you would have predicted them to be if in fact it is a probability, 95 percent probable, it is certainly a whole lot more probable than 50 percent probable, and the actual production curve has followed the 95 percent probability.

All of this has given rise to a statement by Condoleezza Rice, and this is a very insightful statement on April 5, 2006: ''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 diplomat effort by the all-out rush for energy supply.''

Let me put the next chart up, and this chart comes from an incredible speech given by Hyman Rickover, the father of our nuclear submarine. I just want to quote a couple of things. By the way, if you do a Google search, Mr. Speaker, and ask for Hyman Rickover and energy, I think you can probably pull up this speech he gave on May 14, 1957. He gave this speech at a banquet of the annual Scientific Assembly of the Minnesota State Medical Association in St. Paul, Minnesota. Let me just read a couple of things that he says in this speech because he was so prophetic:

''With high energy consumption goes a high standard of living.'' And this was 50 years ago. What would he say today? ''Thus, the enormous fossil fuel energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves. Man's muscle power is rated at 35 watts continuously, or 1/20th horsepower. Machines, therefore, furnish every American industrial worker with energy equivalent to that of 244 men, 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 controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly, the humblest American enjoys the services of more slaves than were once owned by the richest nobles, and lives better than most ancient kings. In retrospect, and despite wars, revolutions and disasters, the 100 years just gone by may well seem like a golden age.''

Then he says: ''Whether this golden age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population.''

And if all of these experts that I have quoted are right and if T. Boone Pickens is right, we have now reached the maximum production of oil, which means that we are going to have to learn to live with what we have got for the moment, and then there will be a time when it is going to be harder and harder, and less and less will be found.

Ultimately the nation which controls the largest energy sources will become dominant. We don't own them, but we control them with our dollars because we now are buying a fourth of all of the oil in the world. China is buying oil around the world. Why would they do that? You don't need to own a single oil well and will get all of the oil you want if you simply have the dollars to pay for it. I think it is an interesting exercise to reflect on why China might be buying these oil wells.

If we act wisely and in time to conserve what we have, I have a notice we haven't been doing much of that, and prepare well for necessary future changes, we shall ensure this dominant position for our own country.

What are these people talking about? What is peak oil, the next chart, and this chart is a chart from the Cambridge Energy Research Associates, and you will see them referred to as one of the major authorities in this area. They do not believe what T. Boone Pickens said today. They think that peaking is quite a ways out, and they created this little chart to ridicule the scientists who predicted that the United States would peak in 1970 and we did peak in 1970. By the way, he predicted the world would be peaking about now. If he was right about the United States, why shouldn't he be right about the world?

They used this chart to ridicule him, and I think it gives credibility to what he said. The total U.S. production is the red curve. M. King Hubbert predicted that we would peak in 1970. In 1970 we reached a peak. He was making that prediction only from the lower 48. He couldn't have known that we were going to find a lot of oil in Alaska, and we did. What that lot of oil in Alaska did was to produce this little bump here.

I have been at zero miles of that 4-foot pipeline that for many years produced a fourth of all the oil that we produced, and it only made this little blip in the downslope of Hubbert's peak. CERA says because this was the curve rather than the predicted curve of Hubbert here, he was therefore a fraud and not to be believed. I think there is reasonable concurrence between these.

The actual, by the way, for the lower 48 which he produced follows pretty well his prediction, and we found the additional oil in Alaska which kicked it up a little. But in spite of everything that we have done, we now are producing half the oil that we produced in 1970.

My last chart, and this chart, I could spend the whole hour talking about this, and I may do that some evening, but this chart has an enormous amount of information on it. These are the discoveries. This is when we discovered it. The black curve is how much we used. For many years we found very much more than we used. But starting in 1980, we started finding less and less and less, and our use rate went up and up and up. Here is the 1970 blip, and it keeps on going up. For all of this time we were dipping into reserves. We have a lot of reserves left.

What will the future look like? One thing is certain, you cannot bump what you have not found. These graphs, the area under these curves represents the volume, the amount. So the area, if you put a smooth curve over this one, the area under that curve would represent the amount of oil that we have found.

The area under this consumption curve would represent the amount of oil that we use. You can't use oil you haven't found. Within some limits we can make the future look like we want it to look with enhanced recovery and feverish drilling and so forth. But I would submit that you can't pump what you haven't found, and I would like the listener to make his own judgment as to how much we can change what they predict here will be the future production of oil.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE (at the request of Mr. BOEHNER) for today after 2:00 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, March 6.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the ''Gerald R. Ford, Jr. Post Office Building''.

H.R. 335. An act to designate the facility of the United States Post Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office''.

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. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building''.

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''.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, March 5, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

658. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification of both an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach for the enclosed program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

659. A letter from the Secretary of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Communications Operations and Maintenance function at Scott Air Force Base, Illinois, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

660. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the status of female members of the Armed Forces, pursuant to Section 562 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003; to the Committee on Armed Services.

661. A letter from the Deputy Secretary, Department of Defense, transmitting a biennial strategic plan for the Defense Advanced Research Projects Agency (DARPA), pursuant to 10 U.S.C. 2352; to the Committee on Armed Services.

662. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that the Program Acquisition Unit Cost and the Procurement Unit Cost has exceeded both the current UCR and Origional UCR basiline for the enclosed program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

663. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas L. Baptiste, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

664. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of December 31, 2006, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account''; to the Committee on Armed Services.

665. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), Department of Defense, transmitting the Department's report on Assignment Incentive Pay (AIP) Criterea for Reserve Component (RC) Personnel, pursuant to Public Law 109-702, section 678; to the Committee on Armed Services.

666. A letter from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting a copy of the 2006 Annual Report to Congress on the HOPE IV Program, pursuant to Section 24(l) of the U.S. Housing Act of 1937; to the Committee on Financial Services.

667. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle (AFV) program report for FY 2006, as required by the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

668. A letter from the Assistant Secretary, Land Management and Minerals Management, Department of the Interior, transmitting the Department's determination of the practicality of issuing regulations to provide royalty relief for marginal oil and gas properties on the Outer Continental Shelf, pursuant to Section 343 of the Energy Policy Act of 2005; to the Committee on Natural Resources.

669. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Alabama Advisory Committee; to the Committee on the Judiciary.

670. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Mississippi Advisory Committee; to the Committee on the Judiciary.

671. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah, GA [COTP Savannah-06-068] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Lake Washington, Medina, Washington [CG13-06-018] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; United States Coast Guard Cutter MIDGETT (WHEC 726), Fairhaven Shipyard, Fairhaven, Washington [CGD13-06-031] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

674. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Lake Washington, Medina, Washington [CGD13-06-030] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

675. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC[CGD05-06-034] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

676. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Captain of the Port Lake Michigan, Chicago River South Branch [CGD09-06-083] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

677. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Evergreen Point Bridge, Lake Washington, Washington [CGD13-06-017] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

678. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Miles 600.0 to 607.0, Louisville, KY [COTP Louisville-06-01] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

679. A letter from the Deputy Director of National Intelligence for Management, Office of the Director of National Intelligence, transmitting a copy of the 2006 Annual Report of the U.S. Intelligence Community, pursuant to 50 U.S.C. 404d; to the Committee on Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 137. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; with an amendment (Rept. 110–27 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Agriculture discharged from further consideration. H.R. 137 referred to the Committee of the Whole House on the State of the Union, 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. WAXMAN (for himself, Mr. DUNCAN, Mr. CLAY, Mr. PLATTS, and Mr. EMANUEL):

H.R. 1254. A bill to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Oversight and Government Reform.

By Mr. WAXMAN (for himself, Mr. PLATTS, Mr. CLAY, and Mr. BURTON of Indiana):

H.R. 1255. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself and Mr. WOLF):

H.R. 1256. A bill to amend title 5, United States Code, to increase the level of Government contributions under the Federal employees health benefits program; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. SCOTT of Georgia, Mr. RANGEL, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. DEFAZIO, Mr. CLAY, Mr. BACA, Mr. AL GREEN of Texas, Mr. COOPER, Ms. WOOLSEY, Mr. SHERMAN, Mr. ELLISON, Mr. LANTOS, Mr. ACKERMAN, Mr. MILLER of North Carolina, Mr. CLEAVER, Mr. SIRES, Mr. PERLMUTTER, and Mr. WILSON of Ohio):

H.R. 1257. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation; to the Committee on Financial Services.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON):

H.R. 1258. A bill to amend title 5, United States Code, to increase the maximum age limit for an original appointment to a position as a Federal law enforcement officer in the case of any individual who has been discharged or released from active duty in the armed forces under honorable conditions, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Washington (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. GILCHREST, Mr. GRIJALVA, Mr. DICKS, Mr. SERRANO, Mrs. CAPPS, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. MARKEY, Mrs. TAUSCHER, Mr. PALLONE, Mr. CARNAHAN, Mr. RUPPERSBERGER, Mr. GEORGE MILLER of California, and Mr. INSLEE):

H.R. 1259. A bill to increase the use and research of sustainable building design technology, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Science and Technology, 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. WAMP:

H.R. 1260. A bill to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the ''Claude Ramsey Post Office''; to the Committee on Oversight and Government Reform.

By Mr. PENCE (for himself and Mr. CANTOR):

H.R. 1261. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Ways and Means.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. JEFFERSON, Mr. BOUSTANY, Mr. ALEXANDER, Mr. SCOTT of Virginia, Mr. SCHIFF, and Mr. JINDAL):

H.R. 1262. A bill to permit the Secretary of Education to continue to waive certain regulatory requirements with respect to the use of aid funds for restarting school operations after Hurricanes Katrina and Rita; to the Committee on Education and Labor.

By Mr. BERMAN:

H.R. 1263. A bill to redeploy United States Armed Forces from the non-Kurdish areas of Iraq if certain security, political, and economic benchmarks relating to Iraq are not met, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Rules, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. MATHESON, Mr. CAMP of Michigan, Mr. TIBERI, and Mr. WILSON of Ohio):

H.R. 1264. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Ways and Means.

By Mr. BUYER (for himself and Mr. BOOZMAN):

H.R. 1265. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to award contracts to small business concerns owned and controlled by service-disabled veterans under the section 8(a) program; to the Committee on Small Business.

By Mr. BOOZMAN (for himself, Mr. CLAY, Mr. SKELTON, Mr. BERRY, Mr. SNYDER, Mr. ROSS, Mrs. BLACKBURN, Mr. COHEN, Mr. BOREN, Mr. CONAWAY, Mr. REYES, Mr. GRIJALVA, Mr. CALVERT, and Mr. FILNER):

H.R. 1266. A bill to direct the Secretary of the Interior to conduct a resource study along the ''Ox-Bow Route'' of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California, and for other purposes; to the Committee on Natural Resources.

By Mr. GORDON:

H.R. 1267. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Natural Resources.

By Mr. MITCHELL (for himself, Mr. EMANUEL, Mrs. BOYDA of Kansas, Mr. DONNELLY, Mr. HARE, Mr. WELCH of Vermont, Mr. MCNERNEY, Mr. ELLISON, Mr. VAN HOLLEN, Mr. WILSON of Ohio, Mr. KAGEN, Mr. RODRIGUEZ, Mr. SHULER, Mr. COHEN, Mr. YARMUTH, and Ms. HOOLEY):

H.R. 1268. A bill to ensure dignity in care for members of the Armed Forces recovering from injuries; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, and Mr. DEFAZIO):

H.R. 1269. A bill to improve the security of railroad, public transportation, and over-the-road bus systems in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 1270. A bill to establish the Journey Through Hallowed Ground National Heritage Area Education and Tourism Act, and for other purposes; to the Committee on Natural Resources.

By Ms. BERKLEY:

H.R. 1271. A bill to amend title 5, United States Code, to make creditable for civil

service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERMAN, Mrs. MALONEY of New York, Mr. CHANDLER, and Mr. GUTIERREZ):

H.R. 1272. A bill to amend title 38, United States Code, to improve the pension program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. BERKLEY:

H.R. 1273. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to restore plot allowance eligibility for veterans of any war and to restore the headstone or marker allowance for eligible persons; to the Committee on Veterans' Affairs.

By Ms. BERKLEY:

H.R. 1274. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts awarded to qui tam plaintiffs; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROYBAL-ALLARD, and Ms. ROS-LEHTINEN):

H.R. 1275. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, 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 Mrs. BONO (for herself, Mr. LEWIS of California, Mr. BACA, and Mr. KILDEE):

H.R. 1276. A bill to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. WYNN, Mr. WEINER, Mr. MEEKS of New York, Mr. JONES of North Carolina, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, and Mr. MILLER of North Carolina):

H.R. 1277. A bill to direct the Secretary of Health and Human Services to investigate how to eliminate the gap in benefits between standard coverage and catastrophic coverage under the Medicare prescription drug program under part D of title XVIII of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP of Michigan (for himself and Mrs. JONES of Ohio):

H.R. 1278. A bill to establish the position of Trade Enforcement Officer and a Trade Enforcement Division in the Office of the United States Trade Representative, to require identification of trade enforcement priorities, and for other purposes; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. TERRY):

H.R. 1279. A bill to amend title XIX of the Social Security Act to provide funds to States to enable them to increase the wages paid to targeted direct support professionals in providing services to individuals with disabilities under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. DOYLE (for himself, Mr. ENGLISH of Pennsylvania, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. ISRAEL, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. SHAYS, Mr. OLVER, Ms. KAPTUR, Mr. MCCOTTER, Mr. HINCHEY, Mr. SCHIFF, Mr. FERGUSON, Mr. SAXTON, Mr. CAPUANO, Mr. GALLEGLY, Mr. ACKERMAN, Ms. PRYCE of Ohio, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H.R. 1280. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. EMANUEL (for himself, Mr. CONYERS, Mr. HOLT, Mr. BECERRA, Mr. HONDA, Mr. ELLISON, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CLEAVER, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. ENGEL, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE, Mr. REYES, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHULER, Mr. SIRES, Mr. VAN HOLLEN, Ms. WATERS, and Ms. WOOLSEY):

H.R. 1281. A bill to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. RUSH):

H.R. 1282. A bill to amend title XVIII of the Social Security Act to provide for guaranteed issue of Medicare supplemental policies for disabled and renal disease beneficiaries upon first enrolling under part B of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. PICKERING, Mr. ALLEN, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CONYERS, Mr. CUMMINGS, Mr. LINCOLN DAVIS of Tennessee, Mr. DOYLE, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GERLACH, Mr. GORDON, Mr. GRAVES, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MATHESON, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. PLATTS, Mr. RAMSTAD, Mr. RANGEL, Mr. REYES, Mr. ROSS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mrs. SCHMIDT, Ms. SCHWARTZ, Mr. SESSIONS, Mrs. TAUSCHER, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WU, Mrs. BOYDA of Kansas, Mr. CARNEY, Ms. CLARKE, Mr. CUELLAR, Mr. TOM DAVIS of Virginia, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mr. MCGOVERN, Mr. SERRANO, Mr. TIERNEY, Ms. WATSON, Mr. HOLT, Mr. MCHUGH, and Mr. WOLF):

H.R. 1283. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HALL of New York (for himself and Mr. FILNER):

H.R. 1284. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Washington (for himself and Mr. REICHERT):

H.R. 1285. A bill to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; to the Committee on Natural Resources.

By Mr. HINCHEY (for himself, Mr. CASTLE, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. OBERSTAR, Ms. SCHWARTZ, Mr. SERRANO, and Mr. SNYDER):

H.R. 1286. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; to the Committee on Natural Resources.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. FILNER, Mr. HONDA, Ms. BORDALLO, Mr. SCOTT of Virginia, Mr. MCDERMOTT, Mr. ISSA, Mr. FARR, Mr. AL GREEN of Texas, Mr. GRIJALVA, and Mr. HARE):

H.R. 1287. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Ms. HOOLEY:

H.R. 1288. A bill to amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. CARNAHAN, Mr. CONYERS, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, and Mr. ELLISON):

H.R. 1289. A bill to enhance the availability of capital and credit for all citizens and communities, to ensure that community reinvestment keeps pace as banks, securities firms, and other financial service providers become affiliates as a result of the enactment of the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Mr. MCCAUL of Texas, Mr. THOMPSON of Mississippi, Mr. KING of New York, Ms. ZOE LOFGREN of California, Mr. DENT, Ms. JACKSON-LEE of Texas, Mr. DAVID DAVIS of Tennessee, and Mrs. CHRISTENSEN):

H.R. 1290. A bill to amend the Homeland Security Act of 2002 to direct the Secretary

of Homeland Security to establish a National Biosurveillance Integration Center; to the Committee on Homeland Security, 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. LARSEN of Washington (for himself and Mrs MCMORRIS RODGERS):

H.R. 1291. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H.R. 1292. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. PITTS, Mr. GENE GREEN of Texas, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CLAY, Mr. DAVIS of Kentucky, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. AL GREEN of Texas, Mr. BRADY of Texas, Mr. GORDON, Mr. HALL of Texas, Mr. HAYES, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Mr. LOBIONDO, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARSHALL, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. TIM MURPHY of Pennsylvania, Mr. ORTIZ, Mr. PAUL, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. RAMSTAD, Mr. REYES, Mr. REYNOLDS, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SOUDER, Mr. YARMUTH, Mr. KIRK, Mr. ROTHMAN, and Mr. BECERRA):

H.R. 1293. A bill to amend title XVIII of the Social Security Act to provide for a 2-year moratorium on certain Medicare physician payment reductions for advanced diagnostic imaging services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself and Mr. RAHALL):

H.R. 1294. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

By Mrs. MUSGRAVE:

H.R. 1295. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 1296. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. OLVER (for himself, Mr. TIERNEY, Mr. MEEHAN, Mr. MCGOVERN, Mr. MARKEY, and Mr. HODES):

H.R. 1297. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Natural Resources.

By Mr. PETRI (for himself, Mrs. MALONEY of New York, Mr. SHIMKUS, Mr. KIND, Mr. SHAYS, Mr. HOLDEN, and Mr. FORTENBERRY):

H.R. 1298. A bill to amend the Federal Election Campaign Act of 1971 to require persons conducting Federal election polls by telephone to disclose certain information to respondents and the Federal Election Commission; to the Committee on House Administration.

By Mr. POE (for himself, Mr. MCCOTTER, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, and Mr. PEARCE):

H.R. 1299. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. CLYBURN, Mr. DINGELL, Mr. OBERSTAR, Mr. SKELTON, Mr. GORDON, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. LANTOS, Mr. REYES, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ALTMIRE, Mr. ARCURI, Ms. BEAN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Mr. CARNAHAN, Ms. CARSON, Mr. CLEAVER, Mr. COHEN, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Mr. ETHERIDGE, Mr. FATTAH, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LARSEN of Washington, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Mr. PERLMUTTER, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIRES, Mr. SMITH of Washington, Mr. SNYDER, Mr. STUPAK, Ms. SUTTON, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATSON, and Mr. WYNN):

H.R. 1300. A bill to strengthen national security and promote energy independence by reducing the Nation's reliance on foreign oil, improving vehicle technology and efficiency, increasing the distribution of alternative fuels, bolstering rail infrastructure, and expanding access to public transit; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Oversight and Government Reform, Rules, Science and Technology, Ways and Means, House Administration, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 1301. A bill to extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Washington (for himself and Mr. BACHUS):

H.R. 1302. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day; to the Committee on Foreign Affairs.

By Mr. THOMPSON of California (for himself, Mrs. CUBIN, Mr. MARKEY, Mr. SHULER, Mr. SKELTON, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. FARR, Ms. ZOE LOFGREN of California, Mr. HARE, Mr. MORAN of Virginia, Mr. FATTAH, and Ms. JACKSON-LEE of Texas):

H.R. 1303. A bill to amend title 49, United States Code, to improve air carrier passenger services; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. ENGLISH of Pennsylvania, Ms. BERKLEY, Mr. WELLER, Mr. MEEK of Florida, Mr. CANTOR, Mr. LEWIS of Georgia, and Mr. HERGER):

H.R. 1304. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 1305. A bill to amend the Energy Policy Act of 2005 to authorize discounted sales of royalty oil and gas taken in-kind from a Federal oil or gas lease to provide additional resources to Federal low-income energy assistance programs; to the Committee on Natural Resources.

By Mr. WEXLER (for himself, Mr. FEENEY, Mr. ACKERMAN, Ms. BERKLEY, Mrs. BLACKBURN, Mr. BOYD of Florida, Mr. BURTON of Indiana, Mr. CANNON, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROTHMAN, and Mr. BARROW):

H.R. 1306. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. BACHUS, Mrs. BONO, Mr. BURTON of Indiana, Mrs. CUBIN, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REICHERT, Mr. SESSIONS, Mr. SHUSTER, Mr. SPRATT, and Mr. WOLF):

H.R. 1307. A bill to establish the Office of Veterans Identity Protection Claims to reimburse injured persons for injuries suffered as a result of the unauthorized use, disclosure, or dissemination of identifying information stolen from the Department of Veterans Affairs, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself, Mr. CALVERT, Mr. GORDON, and Mr. BAIRD):

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments; to the Committee on Science and Technology.

By Mr. WELLER (for himself, Mr. SCHIFF, Mr. PENCE, Mr. FORTUÑO, Mr. WOLF, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. LAMBORN):

H. Con. Res. 77. Concurrent resolution calling on the Government of Venezuela to respect a free and independent media and to avoid all acts of censorship against the media and free expression; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Res. 207. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Tenth Congress; to the Committee on House Administration.

By Mrs. DRAKE (for herself and Mr. SCOTT of Virginia):

H. Res. 208. A resolution honoring Operation Smile in the 25th Anniversary year of its founding; to the Committee on Foreign Affairs.

By Mr. ENGEL (for himself and Mr. BURTON of Indiana):

H. Res. 209. A resolution supporting the goals and ideals of Anti-Slavery Day; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. WAXMAN, Mr. SHAYS, Mrs. CAPPS, and Mr. KENNEDY.

H.R. 23: Ms. KAPTUR, Mr. LINCOLN DAVIS of Tennessee, Mr. LATOURETTE, Mr. MITCHELL, Mr. ARCURI, Mr. BRADY of Pennsylvania, Mr. BONNER, Ms. ZOE LOFGREN of California, Mr. VAN HOLLEN, Mr. TERRY, and Mr. BOUCHER.

H.R. 39: Mr. BAIRD, Mr. GILCHREST, and Ms. DEGETTE.

H.R. 74: Mr. FORTENBERRY.

H.R. 82: Mr. BACHUS, Mr. BONNER, Mr. CARTER, Mr. CLEAVER, Ms. HIRONO, Ms. NORTON, Mr. KING of New York, Mr. LEWIS of Georgia, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. PASCRELL, Mr. SESSIONS, Mr. TOWNS, and Ms. WATSON.

H.R. 89: Mr. MORAN of Kansas and Mr. KAGEN.

H.R. 100: Mr. PATRICK MURPHY of Pennsylvania and Mr. CONYERS.

H.R. 111: Mr. THOMPSON of California, Mrs. DAVIS of California, Mr. MCCOTTER, Mr. PORTER, Mr. LATOURETTE, Mr. DELAHUNT, Mr. LAHOOD, Ms. BEAN, Mr. MCCARTHY of California, Mr. HASTINGS of Florida, Mr. SALAZAR, Mr. CLAY, Mr. REYES, Mr. BRADY of Texas, and Mr. GENE GREEN of Texas.

H.R. 140: Mr. FILNER.

H.R. 146: Mr. HOLDEN.

H.R. 156: Mr. BOSWELL, Mr. COLE of Oklahoma, and Mr. MURTHA.

H.R. 180: Mr. ELLISON.

H.R. 189: Ms. JACKSON-LEE of Texas.

H.R. 210: Mr. STARK.

H.R. 251: Mrs. BLACKBURN.

H.R. 255: Mr. MCCOTTER.

H.R. 260: Mr. KAGEN.

H.R. 303: Mr. MORAN of Kansas, Mr. TIBERI, Mr. DOYLE, Mr. LARSON of Connecticut, Mr. KAGEN, and Mr. MOORE of Kansas.

H.R. 319: Mr. SARBANES.

H.R. 358: Mr. SPACE, Mr. LARSON of Connecticut, and Mr. JOHNSON of Illinois.

H.R. 362: Ms. GIFFORDS, Ms. MATSUI, Mr. MCNERNEY, Mr. COSTELLO, Mr. HINOJOSA, Mr. MOORE of Kansas, and Mr. ABERCROMBIE.

H.R. 363: Ms. GIFFORDS, Ms. MATSUI, Mr. MCNERNEY, Mr. COSTELLO, Mr. HINOJOSA, Mr. ABERCROMBIE, and Mr. CARNAHAN.

H.R. 418: Mrs. MYRICK and Mr. CUMMINGS.

H.R. 432: Mr. PAYNE, Mr. DOOLITTLE, and Mr. GARRETT of New Jersey.

H.R. 455: Ms. SCHAKOWSKY.

H.R. 508: Mr. CAPUANO.

H.R. 510: Mr. LEWIS of Kentucky, Mr. SIMPSON, and Mr. MACK.

H.R. 524: Mr. ETHERIDGE, Mr. TIERNEY, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. KUCINICH, Mr. FATTAH, Mr. GENE GREEN of Texas, and Mr. MCINTYRE.

H.R. 543: Mr. ROSS, Mr. COOPER, and Mr. POMEROY.

H.R. 549: Mr. SAXTON and Mrs. CUBIN.

H.R. 551: Ms. HARMAN.

H.R. 552: Mr. WYNN, Mr. WAMP, and Mr. TERRY.

H.R. 561: Mr. MCCOTTER.

H.R. 566: Ms. CARSON and Mr. HARE.

H.R. 567: Mr. AL GREEN of Texas, Mrs. DAVIS of California, Mr. CUMMINGS, Mr. KLEIN of Florida, and Mr. HASTINGS of Florida.

H.R. 579: Mr. DAVID DAVIS of Tennessee and Mr. YARMUTH.

H.R. 583: Mr. BAIRD and Mr. SHAYS.

H.R. 585: Mr. ALTMIRE.

H.R. 588: Mr. MCINTYRE.

H.R. 590: Mr. CUELLAR.

H.R. 592: Ms. JACKSON-LEE of Texas.

H.R. 621: Mr. MILLER of North Carolina, Mr. ROGERS of Alabama, and Mr. MORAN of Kansas.

H.R. 625: Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. COSTA, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCKEON, Mr. MCNERNEY, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. SCHIFF, Mrs. TAUSCHER, Mr. WAXMAN, and Mr. CALVERT.

H.R. 628: Mr. HOEKSTRA, Mr. CASTLE, Mr. MORAN of Kansas, Mr. WALDEN of Oregon, Mr. SHIMKUS, Mr. PORTER, Ms. GRANGER, Mr. BRADY of Texas, Mr. CAMP of Michigan, Mrs. BIGGERT, Mr. ENGLISH of Pennsylvania, Mr. EHLERS, Mr. FRANKS of Arizona, Ms. FOXX, Mrs. EMERSON, Mr. LEWIS of California, Ms. PRYCE of Ohio, Mr. KENNEDY, Mr. WELLER, Mr. DENT, Mr. PENCE, Mr. ROGERS of Michigan, Mr. BURGESS, Mr. SHADEGG, Mr. GERLACH, Mrs. CAPITO, and Mr. PLATTS.

H.R. 643: Ms. CORRINE BROWN of Florida, Mr. MCINTYRE, Mr. BRADY of Pennsylvania, and Mr. CALVERT.

H.R. 657: Mr. ABERCROMBIE, Mr. COLE of Oklahoma, and Mr. FILNER.

H.R. 677: Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. FATTAH, Mrs. CAPPS, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. THOMPSON of California, and Ms. ESHOO.

H.R. 691: Mr. PATRICK MURPHY of Pennsylvania, Mr. FATTAH, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. RUPPERSBERGER, and Mr. KAGEN.

H.R. 698: Mr. GOHMERT, Mr. ROGERS of Alabama, Mr. PERLMUTTER, Mr. SESTAK, Ms. BERKLEY, Ms. HERSETH, and Mr. LUCAS.

H.R. 699: Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. ROGERS of Alabama, Mr. SHUSTER, and Mr. MARCHANT.

H.R. 725: Mr. WALBERG.

H.R. 728: Mr. MCDERMOTT.

H.R. 731: Ms. DEGETTE.

H.R. 736: Mr. BARTLETT of Maryland, Mr. BONNER, and Mr. SULLIVAN.

H.R. 741: Ms. WOOLSEY and Mr. VAN HOLLEN.

H.R. 743: Mr. HILL and Mr. HASTERT.

H.R. 748: Mr. HOLDEN, Ms. GINNY BROWN-WAITE of Florida, Mr. PAYNE, Mr. WELLER, Mr. LINCOLN DAVIS of Tennessee, Mrs. MALONEY of New York, Ms. SCHAKOWSKY, Mr. REYES, Mr. MCDERMOTT, Mr. GOODLATTE, Mr. ROGERS of Alabama, Mr. ISRAEL, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. CONAWAY.

H.R. 752: Mrs. Bayda of Kansas, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. MORAN of Virginia, Mr. ROSS, Mr. SHIMKUS, Mrs. CHRISTENSEN, Mr. RUSH, Mr. FATTAH, Mr. VAN HOLLEN, Mr. HINCHEY, Mr. MARSHALL, Mr. CARNAHAN, and Mr. BRADY of Pennsylvania.

H.R. 756: Mr. FATTAH and Ms. JACKSON-LEE of Texas.

H.R. 758: Mr. MELANCON.

H.R. 760: Mr. ROSKAM, Ms. BERKLEY, Mr. MCDERMOTT, Mr. FALEOMAVAEGA, Mr. LARSON of Connecticut, Mr. INSLEE, Ms. MATSUI, Mr. LIPINSKI, Ms. BEAN, and Mr. EMANUEL.

H.R. 767: Mr. BOREN and Mr. CONYERS.

H.R. 782: Mr. PASTOR, Mr. CONYERS, Mr. LOBIONDO, and Ms. LINDA T. SANCHEZ of California.

H.R. 784: Ms. BERKLEY.

H.R. 787: Mr. MICHAUD, Ms. CARSON, Mr. CONYERS, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Ms. MOORE of Wisconsin, Mr. PAUL, Ms. SOLIS, Mr. MCDERMOTT, Mr. EMANUEL, and Mr. COHEN.

H.R. 790: Mrs. CUBIN, Mr. SIMPSON, and Ms. DEGETTE.

H.R. 808: Mr. KILDEE.

H.R. 811: Mr. LOBIONDO.

H.R. 822: Mr. WATT, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. WEXLER, Mr. BUTTERFIELD, Ms. ZOE LOFGREN of California, Mr. HOLT, Mr. LANTOS, Ms. WOOLSEY, and Mr. FATTAH.

H.R. 861: Mr. MACK, Mr. POE, Mr. SKELTON, Mr. ROGERS of Michigan, Mr. MOLLOHAN, Mr. ORTIZ, Mr. HAYES, Mr. HERGER, Mrs. MILLER of Michigan, Mr. FORBES, Mr. GENE GREEN of Texas, Mrs. MUSGRAVE, and Mr. CARNEY.

H.R. 871: Mr. GENE GREEN of Texas.

H.R. 876: Mr. BRADY of Pennsylvania.

H.R. 887: Ms. JACKSON-LEE of Texas.

H.R. 891: Mr. FRANK of Massachusetts.

H.R. 894: Mr. DAVIS of Illinois and Mr. MARSHALL.

H.R. 896: Mr. KAGEN.

H.R. 901: Ms. SOLIS, Ms. MATSUI, and Mr. FATTAH.

H.R. 910: Mr. GRAVES, Mrs. MYRICK, and Mr. MCHUGH.

H.R. 916: Mr. HULSHOF.

H.R. 920: Mr. DAVIS of Illinois and Mr. ABERCROMBIE.

H.R. 923: Mr. WEINER.

H.R. 925: Mr. DANIEL E. LUNGREN of California.

H.R. 939: Mr. FORBES, Mr. SENSENBRENNER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 947: Mr. HONDA, Mrs. CAPPS, and Mr. PRICE of North Carolina.

H.R. 950: Mr. DOYLE.

H.R. 962: Mr. BAIRD.

H.R. 969: Mr. HODES, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mrs. CAPPS, Mr. TIERNEY, Mr. SCHIFF, Mr. FILNER, Mr. FATTAH, Ms. WOOLSEY, Mr. GRIJALVA, Mr. KAGEN, Mr. CARNEY, and Mr. MORAN of Virginia.

H.R. 971: Mr. PLATTS, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. CAMP of Michigan, Mr. PRICE of North Carolina, Mr. MURTHA, Mr. KAGEN, and Mr. ETHERIDGE.

H.R. 980: Mr. DAVIS of Alabama, Ms. SUTTON, Mr. WELLER, Ms. SCHWARTZ, Mr. GERLACH, and Mr. SHAYS.

H.R. 984: Mr. GEORGE MILLER of California.

H.R. 985: Mr. BERMAN, Mr. NADLER, Mr. GEORGE MILLER of California, and Mr. ALLEN.

H.R. 997: Mr. POE, Mr. MANZULLO, Mr. PAUL, Mr. SHAYS, Mr. CHABOT, Mr. BOOZMAN, Mr. PRICE of Georgia, Mr. BARRETT of South Carolina, Mr. ALEXANDER, Mr. WALBERG, Mr. LAHOOD, Mr. CAMP of Michigan, Mr. PLATTS, Mrs. BIGGERT, Mr. ADERHOLT, Mr. WHITFIELD, and Mr. SHADEGG.

H.R. 998: Mr. BERMAN, Ms. MCCOLLUM of Minnesota, Mr. RUPPERSBERGER, Mr. SCOTT of Virginia, and Ms. WOOLSEY.

H.R. 1008: Ms. SCHWARTZ.

H.R. 1014: Ms. ZOE LOFGREN of California, Mr. STARK, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, Mr. GERLACH, Mr. ELLISON, Mr. BERMAN, Ms. MILLENDER-MCDONALD, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. MELANCON, and Mr. PLATTS.

H.R. 1023: Mr. REYNOLDS, Mr. LEWIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. HULSHOF, and Mr. GARY G. MILLER of California.

H.R. 1030: Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. REYES, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. LANTOS, and Ms. VELÁZQUEZ.

H.R. 1031: Mr. COHEN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. MCCOTTER, Mr. CLAY, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. GRIJALVA, Mr. REYES, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1032: Mr. MCNULTY, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. LYNCH, Mr. CUMMINGS, Mr. HINCHEY, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. STARK, Mr. SCOTT of Virginia, Mr. KIND, Mr. BRADY of Pennsylvania, and Mr. KAGEN.

H.R. 1040: Mr. HALL of Texas.

H.R. 1041: Mr. TIM MURPHY of Pennsylvania.

H.R. 1043: Mr. MOLLOHAN, Mr. HIGGINS, Mr. SHAYS, Mr. MOORE of Kansas, Mr. COHEN, and Mr. MCINTYRE.

H.R. 1061: Mr. WALSH of New York, Mrs. MALONEY of New York, and Mr. MICHAUD.

H.R. 1071: Mr. ACKERMAN and Mr. SIRES.

H.R. 1073: Mr. TIM MURPHY of Pennsylvania, Mr. TIERNEY, Mr. MEEHAN, Mr. LEVIN, Mr. FOSSELLA, Mr. BISHOP of Georgia, Mr. ETHERIDGE, Mr. CUMMINGS, Mr. ABERCROMBIE, Mr. ISRAEL, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. MOORE of Kansas, Ms. WOOLSEY, Mrs. TAUSCHER, Mr. KILDEE, Mrs. JO ANN DAVIS of Virginia, Mr. GRIJALVA, Mr. VAN HOLLEN, Ms. HARMAN, Mr. HOLDEN, Mr. TOWNS, Mr. GONZALEZ, Mr. BOYD of Florida, Ms. NORTON, Ms. CLARKE, Mr. WOLF, and Mr. ALLEN.

H.R. 1084: Mr. BLUMENAUER.

H.R. 1102: Mr. ROSS, Mr. HONDA, Ms. CORRINE BROWN of Florida, Mr. PLATTS, Mr. GOODE, Mr. HAYES, Mr. REYES, Mr. WELCH of Vermont, Mr. MCCOTTER, and Mr. ALLEN.

H.R. 1103: Mr. LEWIS of Georgia.

H.R. 1108: Mr. FRELINGHUYSEN, Mr. COHEN, Mr. BAIRD, Mr. PITTS, and Ms. WOOLSEY.

H.R. 1111: Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. JEFFERSON, and Mr. DOGGETT.

H.R. 1112: Mrs. MUSGRAVE, Mr. SMITH of Texas, and Mr. GILLMOR.

H.R. 1115: Mr. SENSENBRENNER, Mr. MOORE of Kansas, and Ms. BERKLEY.

H.R. 1119: Mr. ELLISON, Ms. HIRONO, and Ms. BALDWIN.

H.R. 1125: Ms. DEGETTE, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. YOUNG of Florida, and Mr. ROGERS of Alabama.

H.R. 1127: Mr. KIND.

H.R. 1134: Mr. KUHL of New York, Mr. SHIMKUS, and Mr. MILLER of North Carolina.

H.R. 1137: Mr. MCCOTTER.

H.R. 1147: Mr. STARK.

H.R. 1154: Mr. MILLER of Florida, Mr. EDWARDS, Mr. HALL OF Texas, Mr. CARTER, Mr. KAGEN, Mrs. SCHMIDT, Mr. MARCHANT, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. GOHMERT, and Ms. GRANGER.

H.R. 1155: Mr. BRADY of Pennsylvania.

H.R. 1170: Mr. ROGERS of Michigan, Mr. CASTLE, and Mr. RAMSTAD.

H.R. 1181: Mr. ELLISON, Mr. RENZI, Mr. DAVIS of Illinois, and Mr. MCGOVERN.

H.R. 1185: Mr. BERMAN and Mr. MCDERMOTT.

H.R. 1187: Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. SAXTON, Mr. STARK, Mr. THOMPSON of California, Mr. DEFAZIO, and Mrs. NAPOLITANO.

H.R. 1188: Mr. DELAHUNT and Mr. COURTNEY.

H.R. 1192: Mrs. CAPPS and Mr. REYES.

H.R. 1193: Mr. MCDERMOTT, Mr. SCHIFF, Mr. TERRY, and Mr. REYES.

H.R. 1225: Ms. CORRINE BROWN of Florida and Ms. CARSON.

H.R. 1231: Mr. MILLER of North Carolina and Mr. EHLERS.

H.R. 1246: Ms. DEGETTE.

H.R. 1248: Mr. HINCHEY and Mr. LOBIONDO.

H.J. Res. 14: Mr. WU, Mr. GONZALEZ, Mr. MURPHY of Connecticut, Mrs. JONES of Ohio, Mr. FARR, Mr. TOWNS, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Mr. ELLISON, and Mr. MICHAUD.

H. Con. Res. 9: Mr. MCGOVERN, Mr. COHEN, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. UDALL of Colorado, Ms. SOLIS, Ms. ESHOO, Mr. MCNERNEY, Mr. NADLER, Mrs. CAPPS, Mr. KAGEN, Mr. HALL of New York, Mr. CROWLEY, and Mr. ENGEL.

H. Con. Res. 28: Mr. BRADY of Pennsylvania.

H. Con. Res. 33: Mr. HONDA, Mr. FATTAH, Mr. BRADY of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. OBERSTAR, Mr. FILNER, and Ms. KAPTUR.

H. Con. Res. 40: Mr. DAVID DAVIS of Tennessee, and Mr. LINCOLN DAVIS of Tennessee.

H. Con. Res. 49: Mr. RAMSTAD, Mr. HINCHEY, Mr. ETHERIDGE, Mr. TERRY, Mr. HAYES, Mrs. DAVIS of California, Mrs. MYRICK, Mr. RANGEL, Mr. MARCHANT, Mr. PETRI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. SPACE, Mr. WICKER, Mrs. JO ANN DAVIS of Virginia, and Mrs. MUSGRAVE.

H. Con. Res. 60: Mrs. MCMORRIS RODGERS, Mrs. CHRISTENSEN, Ms. PRYCE of Ohio, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. FORTENBERRY, Mrs. MYRICK, Mr. ROSKAM, Mr. LEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KLEIN of Florida.

H. Con. Res. 71: Mr. DINGELL, Mr. JONES of North Carolina, and Mr. BLUMENAUER.

H. Con. Res. 72: Mr. WAXMAN and Mr. JOHNSON of Georgia.

H. Res. 49: Mr. SHULER, Mr. SAXTON, Mr. SESSIONS, Mr. FORTENBERRY, and Mr. KUHL of New York.

H. Res. 53: Ms. CARSON and Mr. AL GREEN of Texas.

H. Res. 89: Mr. GOODLATTE, Mr. MORAN of Kansas, Mr. PORTER, Mr. LEWIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. THORNBERRY, Mr. LUCAS, Mr. NEUGEBAUER, Mrs. MILLER of Michigan, Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, Mr. REGULA, Mr. RYAN of Wisconsin, Ms. HARMAN, Mr. PUTNAM, Mr. GOHMERT, Mr. CRENSHAW, Mr. SHADEGG, Mr. KING of New York, Mr. MANZULLO, Mr. MCHUGH, Mr. LANTOS, Mr. CARTER, Mr. INGLIS of South Carolina, Mrs. WILSON of New Mexico, Ms. ESHOO, Mr. REYES, Mr. TIAHRT, Mr. RENZI, Mr. GENE GREEN of Texas, Mr. BACHUS, Mr. DANIEL E. LUNGREN of California, Mr. KNOLLENBERG, Mr. WICKER, Mr. SHAYS, Mr. CAMP of Michigan, Mr. MCKEON, Mr. CHABOT, Mr. PETRI, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. BUCHANAN, Mr. WOLF, Mr. KING of Iowa, Mr. CONAWAY, Mr. TIBERI, Mr. FRELINGHUYSEN, and Mr. SOUDER.

H. Res. 95: Mr. BRADY of Pennsylvania.

H. Res. 106: Mr. AL GREEN of Texas, Mrs. BACHMANN, and Mr. LATOURETTE.

H. Res. 118: Mr. CARNAHAN.

H. Res. 123: Mr. GERLACH and Mr. JOHNSON of Illinois.

H. Res. 136: Mr. ALTMIRE, Mr. BONNER, Mr. MOORE of Kansas, Mr. FRANK of Massachusetts, Mr. SIRES, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. ELLISON, Mr. CLAY, Mr. ACKERMAN, Mr. HODES, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. MILLER of North Carolina, and Mr. COURTNEY.

H. Res. 137: Mr. KIRK.

H. Res. 146: Mr. HONDA.

H. Res. 185: Mr. KIRK.

H. Res. 186: Mr. LOBIONDO, Mr. MILLER of Florida, Mrs. MCCARTHY of New York, Mr. PAYNE, Ms. BORDALLO, Mr. MCDERMOTT, Mr. STUPAK, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, and Mr. CALVERT.

H. Res. 189: Mr. CUMMINGS.

H. Res. 196: Mr. WEXLER, Ms. BORDALLO, Ms. WATSON, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. ENGEL, and Ms. MCCOLLUM of Minnesota.

H. Res. 197: Mr. WEINER, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. ELLISON, Ms. MATSUI, Mr. PALLONE, Mr. WEXLER, and Mr. HONDA.

H. Res. 198: Mrs. MALONEY of New York, Ms. BERKLEY, and Ms. WOOLSEY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, MARCH 1, 2007 No. 35

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Eternal Lord God, empower our Senators to make consistency a top priority. Lead them over life's mountains and through life's valleys with a spirit of faithfulness and trust in You and a kindness and respect for each other. Help them to live their lives on an even keel and to never give in to despair. Whether in life's sunshine or shadows, may they be aware that You will walk beside them, making the crooked places straight. Keep them from making critical decisions without consulting You or succumbing to the temptation of taking the easy way out. Infuse them with a spirit of gratitude to You for Your involvement in the destiny of our Nation and world.

Lord, help us all to live lives worthy of Your love. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes, the first half under the control of the Republicans, the second half under the control of the majority. Following morning business, the Senate will resume consideration of S. 4. I announced last night that there would be a Democrat ready to offer an amendment. I am told this morning that individual called and said they are not ready now. We have a Bingaman amendment pending, and I understand there may be a second degree filed to that. If that is the case, I hope they will do that. I know Senator SCHUMER will be available to offer an amendment after lunch, 1 p.m. or thereabouts.

I say this to my distinguished Republican colleague, Senator MCCONNELL: I don't think it is fair to everybody to have such a schedule that is kind of up in the air. I think tomorrow we are going to finish around noon. Nobody seems to be anxious to offer amendments. It is unfair to everybody else to be kind of standing around waiting for something to happen. We will stay in session tomorrow after that, if necessary, for people to offer amendments. As I indicated, we can have some stacked votes when we come in Monday evening.

The Republican leader and I have spoken. I don't want to have to file cloture on this bill, but Democrats and Republicans should understand that we can't stand around and think we are going to legislate the last few hours of next week. We cannot do that.

I say to people on my side of the aisle and those on the other side of the aisle, if they have amendments, offer them. I appreciate the amendments that have been offered in relation to this legislation. This is important legislation. There are still some controversial things that have to be decided. Waiting around is not going to do the trick. It is my understanding the Republican manager of the bill has been working with the administration on REAL ID. According to news reports this morning, the administration is going to offer some relief, and the managers of the bill and those who are concerned about REAL ID will have to decide if that is enough.

I simply say that I wanted to have a lot done today, a lot done tomorrow, but I don't think it is fair to everybody when there doesn't appear to be a lot of interest. We on our side have hotlined Members to find out who has amendments to offer. There are a few amendments Senators have requested to put in line for offering themselves. We are certainly able to do that. But that line has to start someplace.

We are going to finish this bill next week.

Mr. MCCONNELL. Will the majority leader yield for an observation on that point?

Mr. REID. I am happy to yield.

Mr. MCCONNELL. I think it is a problem on both sides of the aisle. I agree with the majority leader, we need to get going. I will give an example, what happened yesterday. Senator DEMINT came down shortly after noon

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

Printed on recycled paper.

to offer his amendment, was prepared to accept a short time agreement, so we could have had a vote early in the afternoon. But in that particular instance, the problem was on the side of my good friend, the majority leader. We were unable to get a time agreement on Senator DEMINT's amendment until almost the end of the afternoon because there was someone on that side of the aisle who wanted to offer a side-by-side. This has been sort of a bipartisan problem both the majority leader and myself have in getting this legislation going and getting votes up and handled. Yesterday, the dilemma was basically on his side. On our side, our hands are not entirely clean, either. We are trying to get amendments up.

I happen to agree with the majority leader, we ought to have a full day with plenty of amendments. We are working hard to get that done on our side.

Mr. REID. Mr. President, I repeat, I have had a number of people come to me and say: You have announced there are going to be votes Friday afternoon. We are not having votes Wednesday afternoon; why worry about Friday afternoon?

I say to everyone, if they have things to do this weekend—and I am sure they do—we are going to be out of here around noon tomorrow as far as votes. I leave the door open. If Members want to offer amendments, they can still come and do so. The managers will be here, if necessary, until sundown tomorrow night, when Chairman LIEBERMAN's Sabbath begins.

We want to move forward. For the information of Members, today at 3 p.m., the Chairman of the Joint Chiefs of Staff, General Pace, will be in 407 to brief Members who wish to be briefed.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Wyoming.

TSA

Mr. THOMAS. Mr. President, I wanted to make a few remarks relative to the TSA legislation the Senate is considering. I do hope we can get it finished. I am a little confused about what we are trying to achieve with the measure that is before us. We have already been through this. We have passed a great many of the recommendations that were made by the 9/11 Commission—actually, most of them, as a matter of fact. It is of concern to me that we have a 300-page bill here on what is left in the Commission's report.

We are going through a number of the bills that relate to portions of the report that really have nothing to do with enhancing homeland security. For example, the 9/11 Commission didn't have anything to do with collective bargaining rights for labor unions. Here we probably had a good reason not to do that. In fact, we had this extended debate back in 2002. We found that it was not in the interest of national security to provide collective bargaining rights in this instance. Here we are dealing with it again.

I guess I am just a little impatient in that we need to move on. I don't think homeland security ought to have the approval of labor unions to move forward. The policy would also greatly hinder TSA's flexibility to respond to terrorist threats, fresh intelligence, and other emergencies, if we did it that way. We need to have the ability to move screeners around as schedules are necessary and threats change. Obviously, in a security bill of this kind, there needs to be the kind of flexibility, the kind of management that can be there for the agencies that are responsible. The real focus is on the capability to deal with homeland security.

Another concern I have, frankly, is a provision relative to the distribution of funding. I understand that urban areas, large areas—New York and so on—have more concerns about security and threats, perhaps, but rural areas do as well. We have energy production and those kinds of things. Wyoming originally had $20 million involved. It has dropped to $9 million. We do have military bases there. Large sums of money have been unused, and we need to evaluate that distribution somewhat.

As we debate the bill, I look forward to supporting amendments that would actually make America safer and that we don't get into areas that really are not directly associated with security. That is what this legislation is about.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, we are debating S. 4, dealing with the TSA employees, the Transportation Security Agency. The most controversial aspect of that has to do with the unionization of those employees. We have had this debate before. We had it when the Department of Homeland Security was created. It was a very vigorous debate. Quite frankly, it held up the bill for a considerable period of time.

Ultimately, the Senate and the House decided, with the concurrence of the President, that it would not be a good idea to have these workers unionized. But they are Federal workers and they should have the same rights as every other Federal worker was the argument in favor of unionization. The argument against has to do with the peculiar nature of their assignment. They are not Federal workers in the same sense that people working in the Federal Highway Administration, building highways, might be Federal workers. They are not Federal workers in the same sense that people dealing with normal routines are Federal workers.

They appear to be, as we see them day to day—as all of us go through the security procedures at airports and we take off our shoes and our belts and we forget our boarding pass because it is in the bin with the computer and they have to help us recover it and so on—we all have the sense that these are fairly routine operations they are going through. Therefore, why not allow them to form a union and engage in collective bargaining, because this is, in fact, fairly routine work—very important work, to be sure, but fairly routine. In fact, it is not fairly routine, as we have seen during the time this force has been in place.

Let me take my colleagues back to the situation before the TSA was created. Screening was done airport by airport, contractor by contractor, because it was viewed as a routine kind of thing. Like all Senators, I travel in and out of enough airports to know that each airport is different. In the days before TSA, one never quite knew what they were going to get. You would go through one airport very rapidly, you would go to another and they would be sticklers for detail.

These people were contracted by the airlines, and they had a wide range of skills and a wide range of training. One of the reasons we decided after 9/11 we would have a single Federal force to deal with this was we wanted a single level of training, accountability, and competence to cover the entire American system anywhere in the country.

I have found that is now basically true. If I go through the airport in Philadelphia, I get treated pretty much the same way as if I go through the airport in Salt Lake City. This, however, has a security component that is over and above the screening component.

We are in a war with an enemy unlike any we have ever had before, and the primary tool in protecting us in this war is intelligence. This is an intelligence war rather than a war between tanks and aircraft carriers and infantry battalions. So when the intelligence turns up a key piece of information in this war, the TSA must be flexible and responsive to its leadership.

If we had a series of organized unions, one different in each of the 450 airports that operate in the United States, we would not have the flexibility nor the capacity to respond that we currently have in this situation.

Let me give you a few case studies to illustrate what I mean.

The most dramatic, of course, was that which occurred when the British

intelligence operations discovered there was a plot to blow airplanes up over the Atlantic through the device of taking innocent-looking liquids onboard the airplane and then combining them to create an explosive bomb on the airplane.

I remember a study being done at the University of Utah after this was over, by some of the professors there who looked at it and said: It is possible, it can be done, and it can be done fairly simply. They outlined how it would be done—something that, frankly, had not occurred to anybody as they were setting up TSA in the first place.

The terrorists in Great Britain were inventive enough to come up with the idea. As we contemplate the possibility of it being carried out, it is truly diabolical. They would have gotten on the airplane, passing all screening, gotten together back in the coach cabin—they would not have had to storm the cockpit or try to take over the airplane the way the terrorists on 9/11 did—mixed their chemicals together and had the airplane blow up over the Atlantic.

That means there would be no black box to recover. The entire wreckage of the airplane would be at the bottom of the Atlantic, far beyond any discovery, and the airplane would simply have disappeared off the radar scope, with no explanation, no commentary in the cockpit. The pilot would be reporting, if anybody was listening, that everything was fine, everything was normal and, suddenly, the airplane would have disappeared.

The terrorists were scheduled to blowup not one plane, but three or four. Can we imagine what kind of uncertainty that would have created in the air traffic system worldwide if that plot had succeeded? Fortunately, the British intelligence agencies discovered it, interrupted it, and prevented it. In the process, naturally, they notified the American intelligence agencies. What did those agencies do? They went to TSA. They went to the TSA leadership and explained what had happened. The TSA leadership had a security clearance to get all the information about the intelligence involved, and TSA swung into action immediately.

Let me give you some of the details. At 4 o'clock in the morning, transportation security officers arriving at the east coast airports, where the first flights would take off, were informed there were new procedures. They were instructed in the procedures. They were trained very quickly. Immediately, seamlessly, through the entire TSA system, everyone was brought up to speed.

The difference between what happened in Great Britain and what happened in America is fairly dramatic. Let me read a commentary that describes that: ''Passengers in the United States and the United Kingdom saw two completely different effects of the changes. In the UK, dozens of flights were canceled, scores delayed, and a nightmare of travel backups ensued and lasted for days. By contrast, no cancellations occurred in the United States as a result of this change.'' None.

That is because TSA was nimble; TSA could act quickly. There was no concern about revealing the intelligence source of this information to the leaders of TSA because they were all Government employees, and they were all responsive to the Secretary of Homeland Security.

If collective bargaining had been in place and a requirement for union approval of change of routines, a clearance by shop stewards of change of patterns, to make sure it fit in with the collective bargaining requirement—a different series of requirements at different airports, as the union would organize Philadelphia but not Baltimore, as the union would organize Kennedy but not LaGuardia, as the union would organize Miami but not New Orleans or wherever you might want to go—the patchwork that would occur, if passage of S. 4 goes forward in its present form, would create all kinds of chaos in the United States.

Fear of disclosing the British information might have caused U.S. officials to say: Let's think twice before we describe what is going on and why we are doing what we are doing because it might reveal sources and methods to people who are not cleared for that and inadvertently they could leak it back to al-Qaida. None of those fears occurred. None of those problems arose because TSA was structured from the very beginning to be the kind of agency it is.

Another example of what could happen if we allow S. 4 to go forward in its present form occurred in Canada. Quoting from a description of that:

> Consider a recent incident in Canada, a nation whose air security system does not have the flexibility like that granted to the TSA. Last Thanksgiving, as part of a labor dispute, ''passenger luggage was not properly screened—and sometimes not screened at all'' as airport screeners engaged in a work-to-rule campaign, creating long lines at Toronto's Pearson International Airport.

OK, that is the kind of thing we expect. Unions organize for the ability to do slowdowns or strikes or whatever as pressure on management to get what they want. That is what happened.

What was the consequence with respect to security?

> A government report found that to clear the lines, about 250,000 passengers were rushed through with minimal or no screening whatsoever. One Canadian security expert was quoted as saying that ''if terrorists had known that in those three days that their baggage wasn't going to be searched, that would have been bad.''

I think it would have been more than bad. If the terrorists had had any advance indication there would be that kind of breakdown in the screening activities in Canada as a result of union activity, they would have said: All right, that is the time we go to the airport, we go to the airport in some numbers, we carry liquids with us in our baggage, and we put explosives in our checked baggage because it is all going to go through without proper screening. The pressures from the Thanksgiving Day travelers are going to be so high that people are going to say: Well, just let it go through this once.

For the terrorists to strike a significant blow at the United States, all we need to do is ''let it go through just this once'' and have them have advance notice of when it would go through.

You cannot organize a strike, you cannot organize a work action without people knowing about it. I am not suggesting, in any sense, that anyone in TSA—unionized or not—would ever be complicit in notifying al-Qaida of the fact that a work action was coming. But al-Qaida, in a unionized situation, would say: Here is something we want to monitor. Here is something we want to pay attention to. Some innocent, inadvertent remark on the part of a unionized member of TSA could easily get back to al-Qaida, and they would say: We are ready for this. Let's go. Here is the opportunity. It is going to come up at Thanksgiving. It is going to come up at New Years. It is going to come up at the Super Bowl or some other situation.

Unions look for those kinds of situations where they can get maximum leverage for their work actions. It is not hard to figure out where that kind of thing might occur. So if a union is dissatisfied with working conditions at an airport that services the Super Bowl city on Super Bowl Sunday and says: We are going to have a slowdown here unless we get this, that or the other, and the slowdown occurs, it would not take a genius on al-Qaida's part to say: That is where we probe. That is where we do our best to get into the system.

Once again, if the plot in Britain had borne fruit and three airplanes had disappeared off the radar screen, with no advance warning and no way to find out what actually happened, worldwide travel would have been disrupted everywhere. The economy not only of our country but many others would have been seriously devastated. The consequences, tragic as they would have been for the families of those on those three airplanes, would have multiplied across the world.

I do not want to take that chance. I intend to support the administration's position, which says: If this provision relating to unionization of TSA employees does not come out of the bill, we will oppose the bill. The President has indicated he might very well veto the bill if this provision does not come out. I hope we do not have to go that far. I will oppose this provision. I will oppose the bill if the provision stays in. If it does go that far and gets to the President's desk, I will vote to uphold the President's veto.

I think the war on terror has taught us we are dealing with an entirely different kind of enemy, one who is very patient, one who is very intelligent,

and one who is very inventive. For us to treat security matters such as airport security as a routine kind of task that can be dealt with in routine kinds of training and, therefore, is eligible for routine kinds of labor relations between management—in this case, our leading security agencies—and labor—in this case, those who are on the frontline of security for our Nation—would be foolish.

For that reason, again, Mr. President, I would oppose this bill if this provision does not come out.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I yield myself 8 minutes of the Democratic time.

FDA REGULATION OF TOBACCO

Mr. BROWN. Mr. President, every year, 450,000 Americans die from smoking-related illnesses. That means tobacco companies have to find 450,000 new customers every year. Here is how they do it.

There is a new ad campaign from Camel that targets young girls. This is part of a mailer that Camel sent to young women around the country, especially aimed at young women, calling Camel cigarettes ''light and luscious.'' You will notice the resemblance of this mailing to a popular perfume. This is Camel No. 9. Inside this box—this is inside the mailing—is something that looks like a cigarette box. These are not actually cigarettes. They are not allowed to do that under law. But if you open this, you will see Camel is offering two for one, two packs of cigarettes for the price of one.

In Ohio, 20 percent or 134,000 high school students smoke, and each year more than 18,000 children under the age of 18 become daily smokers. The Centers for Disease Control and Prevention estimates that almost 300,000 Ohio children under the age of 18 who start smoking now will die prematurely as a result. Almost 300,000 children who start smoking now will die prematurely as a result.

Our Nation's youth, frankly, are almost certainly not aware of these staggering statistics when they try their first cigarette, but we are aware of it. If we are not, we should be. It is our responsibility to make sure our children are safe and don't fall victim to these unhealthy addictions—addictions with deadly outcomes. It is our responsibility to make sure our children are safe and don't fall victim to unhealthy addictions.

FDA regulation of tobacco products, legislation introduced by Senator KENNEDY, is not only necessary to protect our kids, it will improve the overall health of our Nation and save countless lives. FDA regulation is necessary because most cigarette manufacturers have proved time and again they have no desire to take the course of responsible action. Instead, in an act of morally reprehensible profiteering that contravenes a multistate tobacco agreement struck in 1998, cigarette manufacturers are once again using advertising campaigns to lure teenagers into a deadly habit.

These unscrupulous business practices especially prey on girls in particular. As a father of three daughters, I take personal offense to this kind of advertising that glamorizes cigarettes. Their latest gimmick, again, as I said, is a mailing of a takeoff on a popular perfume. They are sending these out, I presume, to hundreds of thousands of young women.

It strains the imagination that this ad campaign and these kinds of two-for-one coupons—it strains the imagination to think that this is aimed at anyone other than 15- and 16- and 17-year-old girls. These images make their way into millions of homes across the country through these mailers, and they reveal, as I said, a prize of two-for-one coupons, even though cigarettes are legal only for 18-year-olds and older. Cigarette manufacturers are literally investing in the premature deaths of our daughters.

It is up to Congress to put a stop to it. Lung-related cancers are the fastest growing and now the leading cause of cancer death among women. As elected officials, we have an obligation to ensure the health and safety of those who sent us to the Senate. As parents, we have a moral imperative to ensure our children are afforded the best chance for a bright start. There is nothing ''light'' or ''luscious'' about dying from lung cancer.

Every year, smoking costs our Nation more than $96 billion in health care costs. The real costs, of course, are the 450,000 lives lost every single year to smoking-related illnesses.

In my home State of Ohio, health care costs directly caused by smoking topped $4.3 billion, $1.5 billion of which is covered by our State Medicaid Program—the taxpayers. This is a drain on our health care system. It is a drain on our local communities. It is a drain on our Federal and State budgets. Congress must grant, under the Kennedy proposal, the FDA authority to regulate tobacco products.

We have a responsibility to our Nation to ensure that children are safer and they are not the victims of suggestive marketing by tobacco companies. Congress has debated the issue of FDA authority over tobacco for nearly a decade. It is time to finish the debate and take action to protect children, protect young women, girls, from this kind of advertising, from these kinds of campaigns because if we take the right kinds of action, it will save literally hundreds of thousands of lives.

The PRESIDING OFFICER. The Republican leader is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL DESHON E. OTEY

Mr. MCCONNELL. Mr. President, like every one of my colleagues, I stand in awe of the brave men and women who have volunteered to take up arms and defend our country. Some are called to make the ultimate sacrifice. And so today I ask the Senate to pause in loving memory of LCpl DeShon E. Otey of Radcliff, KY. He was 24 years old.

Lance Corporal Otey, a marine, died on June 21, 2004, while serving with an elite sniper team sent on a crucial mission in Ramadi, Iraq. Otey and three other marines entered the town to target the dangerous terrorists who had turned it into one of the most hostile in the country.

To this day we can not be sure how tragedy struck Otey on this final mission. After headquarters could not make contact with his team, other marines were sent to find out what happened.

Lance Corporal Otey was found killed, shot in the torso. The other three soldiers had met the same fate, and their weapons had been taken by the enemy.

Just 3 months before his death, Lance Corporal Otey had survived a particularly brutal attack by the terrorists—again, in Ramadi, the site of many difficult battles. Then, Otey was the sole survivor out of all the men in his humvee.

For his actions as a marine, Lance Corporal Otey earned numerous medals and awards, including the Purple Heart and the Combat Action Ribbon.

Mr. President, though we mourn the loss of this hero's life, we would not mourn how he lived it. Lance Corporal Otey's mother Robin Mays tells us he wanted to join the Marines for about as long as she could remember. ''All he ever dreamed about was being a marine,'' she says. ''He was the consummate marine—reserved, soft-spoken, would only speak when spoken to. He lived for the Marines.''

As a student at North Hardin High School, in Hardin County, KY, DeShon was an amateur boxer who had several bouts in nearby Louisville, KY. He was also a lineman for the North Hardin High football team.

But even as a high-school student, DeShon was preparing for the rigorous life of a marine. He tested for both the Marine Corps and the Air Force, earning high scores. He worked with a Marine recruiter, and sometimes the two would go off to participate in war games.

DeShon proved to have great prowess with a weapon. He was eventually selected to be a sniper, a highly respected position that comes with a lot of responsibility and a lot of training. He went on to earn the Rifle Marksman Badge and the Pistol Marksman Badge.

Of course, DeShon had other interests as well. His mother remembers

that when he was little, he loved to watch television cooking shows. One night after coming home from work, Mrs. Mays told DeShon and his little brothers Ronald and Domenique that she would cook dinner for them.

But after seeing how easy it looked on TV, little DeShon told his mom that he would cook for the family instead. ''Let DeShon cook!'' cried Ronald and Domenique in agreement. ''Sometimes he'd create his own little dinner,'' says Ronald, who says DeShon was a good cook.

DeShon joined the Marines shortly after high school graduation. He underwent boot camp in Guam, and during a 2-week-long wilderness survival course had to eat crabs, snakes and snails. He told his mother, ''The snails were the nastiest.''

DeShon's passion to excel as a marine was clear to others. ''He was dedicated,'' says Ronald. ''He loved what he did. He wouldn't change it.'' Eventually, DeShon would recruit three of his friends and Ronald to join the Marines.

''He's the reason we signed up,'' confirms Ronald. ''He talked about it all the time. He would call a lot, let us know how it was.''

Ronald looked up to his brother DeShon, who was four years older, and Ronald also played football at North Hardin High School. After enlisting, Ronald entered the school of infantry. DeShon would call his little brother often to encourage him and give him advice.

By that point, DeShon was calling from Ramadi, Iraq, site of some of the toughest fighting against the terrorists. Lieutenant Colonel Paul Kennedy, his battalion commander, has said that ''within the blink of an eye, the situation [in Ramadi] went from relatively calm to a raging storm.''

Lance Corporal Otey joined the 2nd Battalion, 4th Marine Regiment, made up of tough, battle-hardened warriors. Their motto is ''Second to None,'' and the battalion patch they wear on their shoulders proudly declares them to be ''The Magnificent Bastards.''

Lance Corporal Otey was a star in this elite unit. And he became well known as a survivor of one of the most brutal battles the 2nd Battalion, 4th Marine Regiment would ever see.

On the morning of April 6, 2004, terrorists walked through Ramadi's marketplace, telling shopkeepers to close their stores and warning them, ''Today, we are going to kill Americans.'' That day they ambushed marines in four separate, but coordinated, attacks.

Lance Corporal Otey was part of a squadron sent in to support another group of marines that was under attack. He and seven other marines entered the combat zone in a green humvee.

Suddenly terrorist snipers on the rooftops opened fire. Bullets pierced the humvee, killing driver LCpl Kyle Crowley and sending the vehicle tumbling onto its side.

''I remember when we got to our objective I started to hear 'tink, tink, tink,'" Lance Corporal Otey later told the Marine Corps News. ''I was like, 'Man, we're being shot at. Get out of the vehicle.'''

Lance Corporal Otey leapt out and took cover behind a wall, calling out to his fellow marines to do the same. Bullets whizzed by him—one even went through his pants leg—but none hit him. Amazingly, a hand grenade thrown at his feet did not go off.

Lance Corporal Otey returned fire and eventually more reinforcements came and successfully squelched the terrorists' attack. Otey was the only survivor of all the men who had been in his humvee.

In all, 16 marines were killed in the battle, and 25 wounded. But marines seized several hundred weapons systems from the enemy and killed over 250 anti-American fighters.

Lance Corporal Otey called his mother later to tell her about the epic battle and that he was ok. During their conversation, she could hear several people congratulating her son for a job well done.

One of the screenwriters of the Mel Gibson film ''We Were Soldiers'' even flew to Iraq to hear Lance Corporal Otey's story, telling him it might be used for a movie.

Still, this was little consolation for the loss of his Marine brothers. ''I talk with some of the other guys in the platoon about what happened, but it still hurts,'' Lance Corporal Otey told a newspaper afterwards.

Using the Marine term for a sleeping bunk, he continued, ''Every time I walk into our living space I see the empty racks. Those were guys I used to talk to about my problems. Now I don't hear their voices anymore.''

Tragically, Lance Corporal Otey's rack would go empty less than 3 months later.

Lance Corporal Otey was buried with full military rites in Cave Hill Cemetery in Louisville. Robin Mays points out that DeShon lies next to a World War II veteran and a Korean War veteran, and 10 graves away from his grandmother, Mrs. Mays's mother.

Nothing can turn this sad story into a happy one for Lance Corporal Otey's family. But there is one more chapter to tell. Two years after Lance Corporal Otey's death, marines in Fallujah killed two terrorists, a sniper and a spotter, who were preparing to shoot at marines. The sniper was using an M–40–A–1 rifle that had been taken from Lance Corporal Otey's team that fateful day in June 2004.

The marines returned the rifle to Lance Corporal Otey's battalion, and Lieutenant Colonel Kennedy hopes to make it a memorial to Lance Corporal Otey and all the members of his battalion who were killed in Iraq. And he believes the chances are strong that the terrorists found with this weapon were among the ones who killed Lance Corporal Otey.

Our prayers go out to Mrs. Robin Mays for the loss of her son, and we thank her for sharing her memories of DeShon with us. DeShon's stepfather, Larry Mays; his brothers, Ronald and Domenique; his stepsisters, Mykeba Woods and Shauna Mays; his aunts, Terri Able and Cynthia Williams; his uncles, Ronald Jeffries and Dwayne Able; his grandmother, Betty Williams; and his step-grandmother Gracie Mays are in our thoughts today as well.

DeShon's brother Ronald is now a lance corporal in the Marines, currently stationed in North Carolina. He has a son who's just 19 months old, and born a year to the day after Lance Corporal Otey was buried on July 3, 2004, a day the city of Radcliff dedicated to him. Ronald named his son DeShon after the uncle he will never meet.

No one could ever repay Lance Corporal Otey's family for their loss. But we can honor them today by giving his sacrifice the reverence and respect it deserves. And we can promise that his country will never forget his service.

But I suspect that the greatest tribute to DeShon will be the little boy who will grow up bearing his name. Let's not let that child ever doubt that his uncle was a hero.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

IRAQ

Mr. WHITEHOUSE. Mr. President, first let me extend my condolences to the Republican leader and to the people of Kentucky for the loss of their courageous native son.

Mr. President, I rise this morning because in recent days we have learned, to our great dismay, that this administration has let one of our most sacred promises go unfulfilled.

In Rhode Island last week I visited veterans convalescing at our VA hospital in Providence. On Tuesday, members of Rhode Island's branch of the Disabled American Veterans came to talk with me in Washington. They came to appeal for those returning from the war in Iraq.

Of course, there are many brave veterans whom I have met with throughout my State over the past several years at American Legion posts, senior centers, Fourth of July and Memorial Day parades, and at our many community dinners in towns all over Rhode Island. They were men and women, young and old. They served in our Nation's wars from World War II to Vietnam to the conflict in Iraq. Like the DAV members I met yesterday, they wanted us to hear what they had to tell us: the infuriating truth that we are failing to support our troops as they return from Iraq and Afghanistan.

When we ask ordinary men and women to do the extraordinary and stand up and serve in harm's way, we know that we can never fully repay what they and their families have given us. The service of Lance Corporal

Otey, which we just heard about from the Republican leader, certainly emphasizes that point. But we can surely pledge to these men and women that we will give them what they need in the field, and when their service is ended we will care for them adequately. Breaking that promise is a dishonor to them and to their sacrifice, and it is not supporting our troops.

I believe—as do many of my colleagues—that the best way to support our troops would be to deploy them back out of Iraq and define a more sensible and responsible strategy against terror. Some on the other side of the aisle have claimed our calls for a new strategy in Iraq mean we do not support our troops. This argument is truly horrible, thoroughly false, and I hope people watching can understand how it shows the depths to which this debate has plummeted.

To add on that for a moment, I say that not because on this side of the aisle we are too thin-skinned to take a shot in the give-and-take of politics. That is the nature of what we signed up for. That is not what this is about. What this is about is that the battle of slogans we are seeing over this important issue for our country right now displaces the exchange of ideas and a thoughtful and realistic discussion of what our new strategy options are, and in that sense it greatly disserves the American people.

Let's judge the support for our troops within this Chamber and within the administration by real actions, not inflammatory and phony rhetoric. By that measure, it is fair to question whether the Bush administration and those in this Chamber who support the President's Iraq policy truly understand the need of America's veterans—men and women fighting in Iraq—and those who will soon join them there as this President escalates this conflict.

We want our troops now in Iraq to come home safely. They want to send tens of thousands more there. They have sent them without adequate support personnel, equipment, or armor. Indeed, during the course of my campaign to come to this place, I heard from mothers who had to go into their pocketbooks to pay for body armor for sons and daughters headed for Iraq because they could not count on this administration to provide them that basic need.

Also, we have sent them without adequate assurance that should they be injured in the line of duty, they would be properly cared for when they return. That is not supporting the troops. In America, we have the best doctors, nurses, facilities, and medical equipment. From combat medics to VA hospitals, the military can and does provide our Active-Duty military personnel and veterans with medical care that is second to none. But despite all this, our military and veterans health care system has a crushing, all-encompassing problem; that is, access to that care.

When service men and women enter the VA system, too often they begin a long, uphill battle for access to the care and benefits they need to get well and rebuild their lives. The war in Iraq has triggered a flood of new veterans that risks overwhelming the VA system. Mr. President, 700,000 veterans of Iraq and Afghanistan are expected to enter the military and VA health care systems in coming years at a projected cost of as much as $600 billion.

According to the Army Times, the number of service members being approved for permanent disability retirement has ''plunged''—to use their word, ''plunged''—by more than two-thirds since 2001. The Army's physical disability caseload has increased by 80 percent since 2001. As it attempts to process new benefits claims in fiscal year 2006, the VA is experiencing a 400,000-case backlog. Veterans frequently wait 6 months to 2 years before they begin to receive monthly benefits.

These problems are especially acute in the area of mental health. More than 73,000 veterans of Iraq and Afghanistan treated by the VA since 2002 have been diagnosed with a potential mental disorder. More than 39,000 have been tentatively diagnosed with post-traumatic stress disorder, and 35 percent of Iraq veterans have sought psychological counseling within a year of returning home. But where the VA spent over $3,500 per veteran on mental health care back in 1995, it spends just over $2,500 today—a drop of close to $1,000 per veteran.

These are troubling statistics, but they fail utterly to capture our dismay at the reports published over the past several days in the Washington Post and Newsweek magazine of the unacceptable living conditions for outpatients at Walter Reed Medical Center and the stifling bureaucracy that blockades many veterans' access to care.

The Washington Post wrote of soldiers living in Walter Reed facilities infested with mold and mice, unable to get new uniforms to replace those cut from their bodies by military doctors in the field, forced to bring photos and even their own Purple Hearts to prove to file clerks that they, indeed, served in Iraq. Waiting months, as the VA processes benefit claims in what Marine Sgt Ryan Groves called ''a nonstop process of stalling,'' these soldiers and their families move from appointment to appointment and submit form after form, often to replace earlier forms already lost by the system. Many suffer, as we saw on television the other night on ABC, from brain injuries, from post-traumatic stress disorder, or from other mental health conditions, but Walter Reed's outpatient facilities lack sufficient mental health counselors and social workers to help them navigate the system.

The Post tells us many Walter Reed outpatients now face ''teams of Army doctors scrutinizing their injuries for signs of preexisting conditions, lessening their chance for disability benefits.'' Veterans often must navigate this convoluted system alone, carrying stacks of medical records from appointment to appointment. The Post quoted Vera Heron, who lived on the post for over a year helping care for her son. Here is what she said:

> You are talking about guys and girls whose lives are disrupted for the rest of their lives, and they don't put any priority on it.

The care of our veterans returning home from Iraq should be among our Nation's highest priorities. For these soldiers and their families to feel as forgotten and abandoned as they do means simply that this administration is not serving them as it should. It is not serving them as they served us. It is not supporting our troops.

The Air Force Times just reported that soldiers at Walter Reed have now been told not to speak to the media and that the Pentagon has—and this is a quote—''clamped down on media coverage of any and all Defense Department medical facilities . . . saying in an e-mail to spokespeople: 'It will be in most cases not appropriate to engage the media while this review takes place,' referring to an investigation of problems at Walter Reed.''

This administration cannot and must not just bury its failure to support our troops behind a muzzled spokesperson cadre. I commend our Armed Services Committee, including my senior Senator, Rhode Island's JACK REED, for that committee's announced hearing on conditions at Walter Reed Hospital. I hope they will be relentless in their investigation.

My colleagues and the constituents we represent wholeheartedly support our troops and our veterans. Anything else one hears is a lie. We believe it is time for our soldiers to redeploy out of Iraq because we believe that is our Nation's best strategy forward in the Middle East and to combat terror. But we also believe that as they serve and when they get home, we must make good on our promises—our promise to train and equip them in their service and our promise to care for them in their injury and illness. It is our obligation to do this. In the face of all we have heard and seen, that obligation, like so many others, has been failed by this administration. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid amendment No. 275, in the nature of a substitute;

Collins amendment No. 277 (to amendment No. 275), to extend the deadline by which State identification documents shall comply with certain minimum standards; and

Bingaman-Domenici amendment No. 281 (to amendment No. 275), to provide financial aid to local law enforcement officials along the Nation's borders.

Mr. LIEBERMAN. Mr. President, this is the second day of our consideration of this important legislation that came out with a bipartisan vote of 16 to 0, with one abstention, from our Homeland Security and Governmental Affairs Committee. As its title makes clear, this bill is aimed at finishing the job, completing the mission the 9/11 Commission gave us to secure the American people while at home from potential terrorist attack post-9/11.

We had some good discussion in the opening day yesterday. We adopted by voice an amendment offered by the Senator from California, Senator FEINSTEIN, which improved the security elements of the so-called visa waiver program, and we adopted in rollcall votes two amendments by Senator DEMINT and another by Senator INOUYE which would codify the existing regulatory framework that creates the Transportation Worker Identification Card, TWIC. This is the system by which, again post-9/11, we are doing things we never thought we would have to do. Then again, we never thought we would be attacked by terrorists at home, striking against civilians using elements of our own commercial society, in that case planes, to try to destroy us.

So here we are with these two amendments now that would codify the screening process by which we aim to assure that those working at our docks, and this will be extended more broadly over time to transportation sectors—there is a card now that exists for aviation-related facilities—to make sure that we have done some screening to see that the people who are now working behind the scenes or even in front of these transportation nodes, which have now in this age become potential targets of terrorists, will be people whom we have reason to trust with that now very sensitive responsibility.

We return to the bill this morning, and we are moving ahead. There are several amendments that I know are being discussed. We have an amendment my ranking member, Senator COLLINS of Maine, filed regarding the so-called REAL ID Act that is pending. There are other amendments that are being discussed.

I would advise my colleagues and their staffs, if they are hearing this at this moment, that the floor is open. We gather that Senator SCHUMER and Senator MENENDEZ may be coming over with an amendment early this afternoon dealing with port security, but there is nothing before us now. If you have an amendment, this would be a good time to bring it over.

Mr. President, I note the presence of my friend and colleague from New Hampshire, Senator SUNUNU, on the floor, and I yield the floor to him at this time.

Mr. SUNUNU. Mr. President, I rise to speak about an issue that was raised by the amendment offered by Senator COLLINS to this homeland security bill dealing with the REAL ID Program, a program that is ostensibly designed to improve standards for security and eligibility for a driver's license. One of the recommendations of the 9/11 Commission, was that America needs to find a way to improve the issuance of driver's licenses, a process which takes place daily in States all across the country and produces a form of identification used for various purposes, in order to ensure that this system is as secure and consistent as it can possibly be.

I very much support those recommendations. In fact, in 2004, Congress sent to the President an intelligence reform bill that included a new, strong, well-defined process for improving those standards for security and eligibility, a negotiated rulemaking process, that brought the interested parties together.

Who are the interested parties? States that issue the driver's licenses, the motor vehicle departments we have all visited from time to time, the privacy advocates, the Department of Homeland Security, and other groups. All those entities that have a shared interest in improving the way driver's licenses are issued, improving the standards for eligibility, improving standards for security and verification so that fraudulent activity is more easily identified and prevented.

It was a good process, a sound process, but, unfortunately, as Senator COLLINS and others have pointed out in this debate, back in 2005, during a debate on an appropriation bill, there was a provision included that struck down this negotiated process, that cut the States out of the process, that superceded all those efforts and simply said to the Department of Homeland Security, the Federal Government, you decide the standards, you decide the criteria, and then simply require the States to comply.

In Washington ''speak,'' that is called a big unfunded mandate, a mandate from the Federal Government for the States to do something without any support of funds to actually implement the decision. It is never a good idea to impose such a stark unfunded mandate. Equally important, that kind of federalized process takes away an important responsibility that the States have historically had and I believe they should maintain.

We shouldn't be taking away the responsibility of the States to issue driver's licenses. We shouldn't be taking away the responsibility for managing this information. We want to make this a better process, we want to improve those standards, but we should not be cutting the States out and moving toward a national identity card system, which I think is fundamentally unnecessary.

Senator COLLINS, recognizing these flaws in the REAL ID Program, came forward with an amendment that at least moves us back toward a rulemaking that listens to the States, that listens to local stakeholders, that listens to the departments of motor vehicles across the country. I think at the end of the day that kind of an inclusive process will result in better standards that are less costly, that are more easily implemented, and that ultimately can be carried though more quickly than any unfunded Federal mandate ever could.

Senator AKAKA and I have introduced legislation to fully repeal the REAL ID Act and bring us back to the negotiated rulemaking that we had in 2004. I think that would be the best solution because the applicable provisions of that 2004 intelligence reform bill were well crafted, well thought out, supported by both the States and the Federal Government, and made great progress. But what Senator COLLINS has proposed, in delaying the implementation of these rules and bringing back State participants, privacy advocates, and other stakeholders, is certainly a step in the right direction. I very much hope the administration is committed and sincere in the statements they have made that they understand that States need to be a part of this process.

I support very much what Senator COLLINS is trying to do. I hope as our colleagues listen to this debate they recognize that improving security and eligibility standards for driver's licenses does not mean that we have to take rights and responsibilities away from the States. It does not mean that we have to create a national ID card. It does not mean that we have to have a national database on every driver in America. We can do these things in a way that respects the rights of States, that makes us all more secure, and that is consistent with the 9/11 Commission report.

I thank both the chairman and the ranking member for allowing me the time to speak. I certainly hope that we continue to proceed to adopt the Collins amendment or provisions similar

to the Collins amendment, and I will certainly continue to speak out on this issue with my colleagues, such as Senator AKAKA and Senator ALEXANDER and others, who recognized, not this year or last year but back in 2005 when this program was forced upon us, that REAL ID simply does not take America in the right direction.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, let me begin my comments this morning by commending the Senator from New Hampshire for his hard work and vigorous advocacy on this issue. He has been a very early voice, pointing out the unfairness of this unfunded mandate on the States, unfunded mandates that the National Governors Association estimates may cost $11 billion over the next 5 years. He has also raised very important concerns about the privacy implications of some of the provisions of the REAL ID Act.

He was a strong supporter of the approach that we took in 2004 as part of the Intelligence Reform Act when we set up a negotiated rulemaking process which would bring all of the stakeholders to the table—State governments, Federal agencies, privacy advocates, technological experts—and clearly that would have been a far better way to proceed. The Senator from New Hampshire is one of the Senate's foremost advocates for privacy. He has brought that issue up, and his concerns about privacy and civil liberties, on other legislation such as the PATRIOT Act that has been before the Senate. I thank him for his leadership on this important issue.

I do have some good news to report to my colleagues about the pending regulations for the REAL ID Act. As many of my colleagues are aware, one of the problems that the States have had is the Department of Homeland Security had yet to issue the regulations giving States the detailed guidance on how to comply with the REAL ID Act. This is a major problem for the States because of the looming deadline of May of next year by which time they are supposed to be in full compliance with the law, despite the fact that the regulations had not been issued. It was that concern, the long delay by the Department, the cost and the complexity of the task, and the privacy and civil liberty implications that led several of us to come together and offer an amendment that would have a 2-year delay in compliance with the REAL ID Act.

I am pleased to inform my colleagues that as the result of some rather spirited negotiations with the Department of Homeland Security that the Department will announce later today regulations that would give any State that asks an automatic, virtually, 2 years—it could be more than 2 years in some cases—but a 2-year delay in the requirement to comply with the REAL ID Act. This is significant progress. The Department has finally recognized that it simply was unfair to impose this burden on the States, to set such an unrealistic compliance date when the Department had failed to issue the regulations. So the Department will be announcing today that any State that seeks an additional 2 years to comply with the regulations will be granted that extension. This is major progress.

In addition, the Department will announce that it will reconvene the members of the negotiated rulemaking committee that was established by the 2004 Intelligence Reform Act and subsequently repealed by the REAL ID Act to come together and to comment on the Department's regulations. Again, this reflects a major principle in the Collins amendment: that we should have a 2-year delay to allow for additional compliance time but that we should also reconvene the negotiated rulemaking committee, the committee that is comprised of State officials—in fact, Maine's own secretary of state was one of the officials on the committee—and privacy experts, technological experts, all the stakeholders would be reconvened to formally review the proposed regulations and provide the Department with the benefit of this committee's insight.

That is what should have happened in the first place but, certainly, given where we are now, this is another very positive step that the Department is taking. It reflects the principles in the amendment that I and others offered yesterday. It is obvious that the pending amendment provided a great deal of impetus for the Department to undertake these revisions in the proposed regulations.

These two major concessions by the Department—the extension for compliance and the reconvening of the negotiated rulemaking committee—are major steps forward, but they do not solve all of the issues and all of the problems with the REAL ID Act, the biggest of which is the huge cost of compliance. Along with Senator ALEXANDER and others—Senator SUNUNU, Senator CARPER, Senator AKAKA, and others who had been active on this issue—I am pledging today to continue to work very closely with our State leaders and with the Department of Homeland Security to calculate what the actual costs of compliance are going to be—that is going to be easier to do now that the regulations are finally being issued—and to work to try to find some funding to assist States with the cost of compliance.

To date, Congress has only appropriated about $40 million to help the States comply with the REAL ID Act, and the Department, I am told, has only allocated about $6 million of that $40 million. So there is some additional money in the pipeline, but if in fact the cost is as high as the National Governors Association and the National Conference of State Legislatures estimate, that $40 million is a drop in the bucket. The 5-year cost estimated by the NGA is $11 billion. Clearly, if the costs do prove to be in that neighborhood, if they are that high, we have an obligation to come forward and assist the States in the cost of compliance. It can be a shared responsibility, but surely, since we imposed the mandate, we should be providing some of the funding that is needed.

I am very happy the amendment that I and several of our colleagues have offered has prompted the Department to take a second look at its regulations, to realize that it was simply unreasonable to expect the States to comply by May of next year when the Department has been so tardy in issuing the regulations. And I am pleased that the Department has changed its mind. I thank Secretary Chertoff for working closely with me and for listening to all of us who were raising these concerns—that it was simply unreasonable to expect States to be in full compliance by May of next year when they did not have the detailed guidance from the Department.

I am also very pleased the Department is going to reconvene the negotiated rulemaking committee members. That will give the Department further input and insights and improve the quality of the final regulations.

There is still much work to be done, particularly in the funding area, but this is certainly great progress, a welcome development, and a major step forward by the Department. I again thank Secretary Chertoff for working so closely with me.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I congratulate Senator COLLINS for her leadership and for having created a context in which the administration now has come forward, finally, with the regulations pursuant to the so-called REAL ID Act, which does create some flexibility for States to comply with the requirement but also doesn't eliminate it because it is an important one. This is in the nature of this glorious governmental system of ours, the wisdom of the Founders more than two centuries ago to create the checks and balances. The legislature acts, Congress acts, the executive branch begins to work on implementation, States—this could actually be a textbook. Incidentally, I said to my friend I cannot say enough that it was my honor, too many years ago, in teaching a course at Yale to have the current occupant of the chair, the Senator from Ohio, Mr. BROWN, as my student. He learned very well. He taught me a lot, actually, as time went on. This sounds like we are back in the classroom talking about the relationships in government.

It was, I believe, the advocacy of Senator COLLINS that produced a reasonable result without the need for a specific legislative action. I do want to go back and set this in context because the overall purpose is a critically important one to the quest for homeland security. The 9/11 committee found that all but one of the 9/11 hijackers,

the terrorists who attacked us that day, obtained American identification documents, some—I hate to use the word, but—legally, which is to say they complied with the requirements for that identification, and then some others by fraud. The 9/11 Commission recommended that the Federal Government set standards for the issuance of driver's licenses and identification cards.

Driver's licenses are the most commonly used form of personal identification by people in this country. For a long time, what was identification about? It was simply that—maybe for credit purposes, maybe to get into a facility. Now identification is loaded with tremendous implications for security and abuse that go beyond financial fraud, which is what we were primarily concerned about before.

The 9/11 Commission made this recommendation for national standards for driver's licenses and other forms of ID cards. They saw it as important to protecting the Nation against terrorism post-9/11 because often—it is very important to think about this—ID cards are the last line of defense against terrorists entering controlled areas such as airplanes or secure buildings. Obviously, it is important that we know exactly who those people are, that they are what the card says they are, and that they haven't obtained that card through fraud.

In 2004, as part of the legislative effort successfully completed to adopt the proposals of the 9/11 Commission and put them into law, Senator COLLINS, Senator MCCAIN, and I drafted provisions to implement this recommendation of the 9/11 Commission. I am pleased to say that we did so with input from both sides of the political aisle and all interested constituencies to increase security for issuing driver's licenses. Our language was endorsed by State and local governments, by the administration, and by a range of immigration, privacy, and civil liberties advocacy groups. In fact, our provisions to create national standards for State issuance of driver's licenses were enacted into law as part of the 2004 intelligence reform legislation.

In 2005, beginning in the other body, so to speak, the House of Representatives, the REAL ID Act was included in a supplemental appropriations bill providing emergency funding for our troops. The REAL ID Act repealed the provisions I have spoken of that Senator COLLINS, Senator MCCAIN, and I and others had put into the 9/11 legislation the previous year. In place of what I still believe was our workable and balanced program, which would have achieved the aims the 9/11 Commission gave us, the REAL ID Act imposed very difficult and, in some cases, unrealistic and, of course, unfunded requirements on States to verify identification documents by plugging into a series of databases that require technological changes that are expensive and, as is happening right now, delaying the actual implementation of a national set of standards which would have guaranteed us that driver's licenses and other ID cards are more secure.

The fact is, REAL ID obviously, if it did not have this escape valve opened up as a result of Senator COLLINS' work, would slow down the issuance of driver's licenses to everyone and, I fear, might even increase the risk of identity theft. Notwithstanding that, if I had my druthers, as they used to say, I would go back to the provision we had in the original 9/11 legislation, but we are not there. The REAL ID Act is law, and it is beginning to be implemented.

The most important thing we can do is not pull away from the goal which remains critically important to our national security in the war against the terrorists who attacked us on 9/11 and want to do it again; that is, to make sure our driver's licenses and other forms of identity are tamper-proof and real.

We have now struck a balance, with the initiative of Senator COLLINS and others and the response of the Department of Homeland Security this morning. We still have the goal, and we are going to implement it in a more balanced and reasonable fashion. But it is critically important not to move away from the goal. The goal is fundamental to the security of each and every American. Yes, it is going to be a little harder to get the driver's license but not a lot harder. What it is going to mean to everybody is that we can feel more secure when we get on a plane, when we go into a secure building, when we just move about enjoying the freedom and way of life we are blessed to enjoy as Americans.

I thank Senator COLLINS for her leadership and the good result. I remind colleagues that the floor is open for business. We welcome amendments.

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

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

AMENDMENTS NOS. 291 AND 292 TO AMENDMENT NO. 275, EN BLOC

Mr. SUNUNU. Mr. President, I have two amendments at the desk. I ask unanimous consent that the pending amendment be set aside and that the two amendments I have at the desk be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes amendments numbered 291 and 292 en bloc to amendment No. 275.

Mr. SUNUNU. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 291

(Purpose: To ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions)

On page 121, between lines 2 and 3, insert the following:

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

AMENDMENT NO. 292

(Purpose: To expand the reporting requirement on cross border interoperability, and to prevent lengthy delays in the accessing frequencies and channels for public safety communication users and others)

On page 361, between lines 13 and 14, insert the following:

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

Mr. SUNUNU. Mr. President, I offer this morning two amendments that expand on the work we did in the Commerce Committee dealing with the implementation of September 11 recommendations; in particular, in the area of interoperability, meaning, quite simply, the continued effort of State, local, and Federal law enforcement to put in place communications systems that work reliably, effectively, robustly, and that work effectively with one another.

The first amendment deals with the grant programs which have been established in law already and which are expanded under the legislation before us. Those grant programs support the purchase of equipment to expand and improve our interoperability for homeland security purposes. It is essential that we make sure that to the greatest extent possible, we look at all available technologies for meeting these goals—in particular, we make sure we don't preclude any funding from going to the Internet-based or IP-enabled services and software and communications systems that are more and more a part of our daily lives. Members of the Senate are often seen roaming the hallways of the Capitol with their Blackberrys, for example. More and

more, these devices operate like a Palm or a Treo, using IP-enabled systems. These systems are improving. They are getting more robust. They are becoming ever more reliable.

The language I offer today simply states that those IP-enabled technologies which can help improve interoperability should not be precluded from receiving funds under any of the grant programs in this legislation. We have such language already that applies to the NTIA which is under the jurisdiction of the Commerce Committee, but I want to make sure that language is included throughout the bill. I don't think we should be picking technological winners and losers, but we want to make sure some of the most promising technologies out there at least are put on a level playing field with older alternatives.

The second amendment I offer deals with the issue of cross-border interoperability, which simply means communications in areas of the country where we border a foreign country. The northern part of the country—New Hampshire, Maine, Vermont, New England States—shares a border with our neighbor Canada, and there are certainly issues in the southern part of the country with our neighbor Mexico. But there are always questions about awarding or distributing spectrum channels for communication that would be used by State or local homeland security or law enforcement issues in those border areas because we don't want to engage in policies that unnecessarily interfere with the efforts of the communication of our foreign neighbors. Unfortunately, there have been a lot of delays in making spectrum available in those cross-border areas.

We have language again in part of the bill that I included in the Commerce Committee that applies to the FCC to look at the issues associated with awarding spectrum for cross-border interoperability, to find out why there have been delays, find out what can be done to accelerate this process, so in those parts of the country that are affected by cross-border interoperability, we can serve law enforcement effectively. We have some reporting requirements to look at this issue within the FCC.

My second amendment would extend that language to ask the State Department, which has obvious responsibility in maintaining and improving our relations with foreign countries, to also look at these questions.

So these are the two amendments. They expand on work that was accepted in a broad, bipartisan consensus in the Commerce Committee. I hope my colleagues will have an opportunity today to look at these amendments. I sincerely ask for their support.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire. These sound like two very constructive, sensible amendments. We will take a look at them and be in touch with him. But I am optimistic we will want to support these amendments. They improve the basic architecture of the bill, and particularly in the critical area of establishing programs of Federal support for the first time that will enable States and localities, consistent with a plan—not just willy-nilly but consistent with a plan—to finally make communications interoperable so our first responders can talk to one another in times of crisis.

I thank my friend from New Hampshire for his initiative.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to let the Senator from New Hampshire know we are reviewing his two amendments. Based on what he told me, I, too, am inclined to agree to them, and I will be working with the Senator from New Hampshire and the Senator from Connecticut to try to get the two amendments cleared.

I certainly appreciate, coming from a border State, the concerns the Senator from New Hampshire has about U.S.-Canadian issues that might affect interoperability of communications equipment. That has been an issue for us in Maine as well.

I look forward to working with him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 277

Ms. COLLINS. Mr. President, shortly, I am going to ask unanimous consent to withdraw the Collins amendment No. 277, which is cosponsored by Senators ALEXANDER, CANTWELL, CARPER, CHAMBLISS, MIKULSKI, MURKOWSKI, and SNOWE. It also has received support from Senator SUNUNU this morning, who was very eloquent in his comments about the implementation of the REAL ID Act.

I ask to withdraw my amendment in light of the tremendous progress we have been able to make with the Department of Homeland Security over the last 24 hours in convincing the Department to modify the regulations which it is releasing today to allow about 2 years of additional time for compliance with the REAL ID mandates and also to reconvene the negotiated rulemaking committee to take a look at those regulations and provide their insights and input to the Department so the Department can take them into account in issuing the final regulations.

Now, I consider this to be tremendous progress. It is a very welcomed development. The Department's actions reflect the two primary objectives I outlined yesterday for my amendment: first, to give the Federal Government and States the time and flexibility needed to come up with an effective system to provide secure driver's licenses without unduly burdening the States and, second, to involve experts from the States, from the technology industry, as well as privacy and civil liberty advocates—to bring them back to the table and give them a chance to work on these regulations and to improve them.

I am very pleased to say over the course of the past week our amendment has received a great deal of support from a number of sources. The National Governors Association praised our amendment for providing States:

> a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

The American Federation of State, County and Municipal Employees, in a letter to all Senators that was sent on February 27, said:

> We strongly urge you to support an amendment offered by Senator COLLINS that would delay implementation of requirements under the REAL ID Act. . . .

The letter goes on to outline the organization's concerns about the costs to States, the capacity for States to meet the REAL ID requirements, and privacy issues and concludes:

> The Collins amendment provides the opportunity to address these matters.

Similarly, the National Conference of State Legislatures, the NCSL, with which we have worked very closely, in a statement on February 20, said this legislation would help ''address state concerns over the Real ID Act. . . .''

To this support has been added the voices of Senator ALEXANDER, Senator CHAMBLISS, Senator SUNUNU, and cosponsors on both sides of the aisle. One of the very first cosponsors is a former Governor who understands very well the implications for States of complying with the REAL ID Act. That individual is Senator CARPER of Delaware.

So we have been able to build a broad bipartisan coalition, and that gave us the strength to prompt the Department of Homeland Security to make the changes as a result of recent, extended discussions with the Department. As a result, we can now say the primary concerns we have addressed with our amendment have been addressed in the Department's proposed regulations.

In the regulations being announced this morning, the Secretary of Homeland Security will commit to granting a waiver to any State that asks for it through December 31 of 2009. States will not be required to make a complicated case for the waiver. The Secretary has recognized the delay in the Department's promulgation of the draft regulations is reason enough to give States an additional 2 years before they need to begin producing REAL ID-

compliant driver's licenses. I am pleased the Department has taken this step.

In addition, the Department has agreed, as I have mentioned, to invite the members of the negotiated rulemaking committee—which was created by the 2004 Intelligence Reform Act, and subsequently repealed by the REAL ID Act, just when they were making great progress—to come to the Department and discuss, in person, their specific concerns about the regulations. The provisions announced today are in line with the need for more time and the inclusion of all interested parties that were the two primary goals of our amendment. These provisions, of course, are part of a much larger regulation that will take us time to review, to consult with the States on, and to comment on. I am going to follow closely the whole notice and comment period. I am sure I will be suggesting changes to the regulations, and I will be working closely with the negotiated rulemaking committee to make sure the regulations are modified further down the line.

I am under no illusions that there are not further issues which need to be addressed about the REAL ID Act. We must look closely at the concerns that privacy advocates have raised about potentially having interlocking databases among the States so that information is shared. There are a lot of questions, such as who would have access to that information, how secure it would be, and how correct it would be. There is a lot of work to be done.

Most of all, we need to get an accurate estimate of how much this program is going to cost the States and how we can help them bear those costs. This does remain a huge unfunded Federal mandate on our States. The NGA, as I have said several times, has estimated the cost at $11 billion over the next 5 years. That is an enormous burden for States to bear.

We also have to determine if the technological demands that will be imposed on States by these regulations are, in fact, feasible. But I am very pleased to note that our efforts with the Department have achieved the goals that we set out in offering our amendment. There is further work to be done on the REAL ID Act, but we certainly have made tremendous progress over the past 24 hours.

I thank all of the cosponsors of the bill: Senators ALEXANDER, CARPER, CANTWELL, CHAMBLISS, SNOWE, MIKULSKI, and MURKOWSKI for their strong, bipartisan support, and I thank all of the outside organizations, including the Governors and the State legislatures, who have worked so closely with us. I hope we will continue our partnership as we make real progress in improving the REAL ID Act.

AMENDMENT NO. 277 WITHDRAWN

Mr. President, at this time, recognizing the tremendous progress we have made, I ask unanimous consent that amendment No. 277 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, again, I congratulate Senator COLLINS for having achieved the purpose of her amendment without having to put it formally on the bill, and I look forward to seeing the Department move ahead in a more cooperative way with the States to achieve the purposes that the 9/11 Commission set out, which is to make the ID cards more secure to protect the rest of us Americans from those who would abuse those identity cards. It is a great accomplishment for my friend from Maine.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Mr. President, today I rise to voice my strong opposition to section 803 of S. 4 and urge my colleagues to join me in advocating its removal from this important piece of legislation.

What is section 803? This provision would permit TSA's transport security officers, our Nation's airport security screeners, to engage in collective bargaining, a change that was not among the recommendations of the 9/11 Commission. Let me repeat that: it was not among the recommendations of the 9/11 Commission.

At first, some may look at it and say: Why not? The professionals at TSA are Federal employees. As such, they cannot strike. They can already join a union, so why not permit collective bargaining?

As a former union member and one who believes in collective bargaining as a general rule, I can see why many believe that such a request is reasonable. Unfortunately, as much in life is, the devil is in the details.

The fact remains that we as a nation are at war. Through the hard work and dedication of our Armed Forces and civil servants such as those at TSA, our Nation has, so far, been spared further tragedies such as those that occurred on September 11, 2001. However, our past success must not lull us into a false sense of security. Those who wish to undermine and even destroy Western civilization have been beaten back but still remain a potent adversary. Al-Qaida is a sophisticated enemy which searches for our weaknesses and attempts to devise ways to exploit our vulnerabilities. The surest way to play into their hands is to act in a ''business as usual'' manner. In order to defeat this enemy, we must be nimble, we must constantly change our tactics and strategies, and we must be flexible and unpredictable.

That is why the American people demanded that we create the TSA. The people saw that our Nation required a professional Government agency whose primary purpose is to keep the traveling public safe, an agency that consists of experts who can identify terrorists and their plots before they board an aircraft or other mode of transport.

So what has this to do with the ability of TSA employees to engage in collective bargaining? If one looks at the details, it has everything to do with TSA's ability to keep several steps ahead of the terrorists. We all know one of the central aspects of any collective bargaining agreement is setting the conditions by which an employee works. When a person works, where they work, and how they work are matters which are open to negotiation. Obviously, efficiency and productivity, for better or worse, can be dramatically affected by a collective bargaining agreement.

So how would this affect TSA's operations? One must remember the events of this past summer. In August, the security services of the United Kingdom discovered a well-organized conspiracy that reportedly sought to blow up commercial aircraft in flight using liquid explosives disguised as items commonly found in carry-on luggage. Within 6 hours, due to their professionalism and the current flexibility of their work structure, TSA's Transportation Security Officers were able to make quick use of this highly classified information and train and execute new security protocols designed to mitigate this threat. In six hours that is impressive.

In contrast to this history of success and impressive performance, the possibility of collective bargaining only raises questions and uncertainties. For example, should the Government have to bargain in advance of what actions it can or cannot take when dealing with an emergency situation? If so, how would we know what to bargain for? Remember, before the events of September 11, what rational person would have thought of using a commercial aircraft as a suicide bomb? What other heinous act might occur that we have not contemplated? Remember, this is an enemy that uses surprise.

Other questions come to mind. If timely intelligence is gathered that requires an immediate change in TSA's operation, does the Government have to inform a private entity such as the union? Do we not wish to preserve the maximum level of flexibility not only to catch terrorists but to provide a secure situation where the business of the Nation can continue unmolested?

Another example of the flexibility of the current system can be found during this winter's snow storms in Denver. Local TSA officials were overwhelmed by the influx of stranded and newly arriving passengers. The agency responded by deploying 55 officers from

the mountain State region, including, I am proud to say, my own home State of Utah, so that security screening operations were able to continue around the clock until the situation was resolved. Under collective bargaining, redeployments such as this could be hindered by red-tape and cumbersome procedures, greatly reducing the ability of TSA to respond efficiently and effectively to these eventualities.

It also raises the question, under a collective bargaining agreement, whether redeployment decisions might be subject to seniority rules rather than sending individuals with the proper skills. Is deployment subject to binding arbitration? If so, what effect will that have during emergencies?

Bureaucratic hurdles preventing the TSA from operating efficiently and effectively during a time of war are not the only problems created by section 803. The provision also would create an unacceptable drain of resources away from the TSA's primary mission, which is protecting the traveling public. Resources would be diminished because of the cost to implement and execute a collective bargaining agreement.

TSA estimates if this section were enacted, it could cost, in the first year alone, $175 million. Why? The agency would be forced to train its employees on union issues and employ labor relations specialists, negotiators, and union stewards. One must also remember that these funds will have to come out of the Department of Homeland Security's budget, a budget which is consistently criticized as being too small by my colleagues on the other side of the aisle.

So what do the taxpayers lose for that $175 million? Such a reduction in funding is the same as a loss of 3,815 transportation security officers, or 11.5 percent of the total workforce. It also equates to closing 273 of the 2,054 active screening lanes, which would be 12 percent of the current lanes. In terms that most of the frequent flyers in this body would understand, the loss of capacity to screen 330,000 passengers every day. Imagine that line

This is not to say that TSA employees should bear an unfair burden. Far from it. TSA employees, and especially transportation security officers, should be afforded just compensation and the safest possible working conditions. Some who advocate collective bargaining say transportation security officers have not been given a raise in four years. That is not accurate. TSA's pay scheme is based upon technical competence, readiness for duty, and operational performance. Accordingly, in 2006, TSA paid out over $42 million in pay raises and bonuses based upon job performance.

If a transportation security officer has a complaint, a grievance, or does not believe he or she has been paid properly, these are addressed through the agency's Model Workplace Program, where employees and managers form councils to address those concerns.

This does not mean that employees' due process protections for the resolution of employment issues have been sacrificed. Transportation Security Officers can seek relief from the TSA's Ombudsman Office and Disciplinary Review Board or from outside Government agencies such as the Equal Employment Opportunity Commission.

Another misconception is that transportation security officers do not have whistleblower protections. As a result of a formal memorandum of understanding between TSA and the U.S. Office of Special Counsel, all Transportation Security Officers now have this protection.

Others in favor of collective bargaining point to the Transportation Security Officers' attrition rate. Initially, this was a problem. However, the agency has addressed and is continuing to address this issue. I am pleased to report that the Transportation Security Officers' voluntary attrition rate of 16.5 percent is lower than comparable positions in the private sector, which are estimated at 26.4 percent.

Injury rates are decreasing.

The agency has worked hard to reduce lost time claims by 44 percent. Just in 2006, injury claims resulting in lost workdays have been reduced by 32 percent. This is not luck but part of a comprehensive strategy to look after the well-being and safety of transportation security officers. These safety initiatives include providing a nurse case manager at each airport, utilizing optimization and safety teams to create ergonomic work areas to reduce lifting and carrying heavy bags, and an automated injury claims filing process.

Another question some ask is, Since Customs and Border Protection Agents are permitted to engage in collective bargaining, why not Transportation Security Officers? However, when Congress created the TSA, the goal was to create a new organization that would meet the unique needs of our War on Terrorism—a modern organization that would have the maximum flexibility to protect the national security of the United States. This, of course, is the same charter as the FBI, CIA, and Secret Service. These agencies do not permit collective bargaining for this and other reasons.

Should we hold the TSA to a different standard despite the fact that securing our transportation systems is one of the most vital roles our Government can play? Is TSA perfect? No, of course not. But look at what has been achieved. Five years ago, TSA did not exist, and now we can all take pride in the agency and more importantly in its personnel who have done such a remarkable job in keeping our Nation safe. They deserve our respect, our thanks, and they deserve fair compensation. But in doing so, we must not undermine one of their greatest weapons in this war—their flexibility to change tactics and strategies at a moment's notice. Such a course of action could have a calamitous effect on our Nation.

Mr. President, as I previously mentioned, in general, I am a supporter of collective bargaining. However, in these times, we must not change a policy that could inadvertently jeopardize the lives of Americans.

I urge my colleagues to remove this section from the bill.

I see the distinguished Senator from Alaska is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank my colleagues, Senators LIEBERMAN and COLLINS, for working with the Commerce Committee to include important security measures in this bill. I am grateful to my great friend, Senator INOUYE, for his willingness to work in our committee on a bipartisan basis to develop and report these measures.

In the 5½ years since the horrific events of September 11, we have made many good improvements in the security of our Nation's transportation infrastructure and ensuring communications interoperability. Our job, however, is far from over, for there are still more improvements to be made and gaps to close. In matters of security, we cannot become complacent; as our enemies adapt, so must we.

The Commerce Committee's aviation and surface transportation legislation, which has been included in S. 4, will significantly enhance the ability of the Department of Homeland Security and the Transportation Security Administration to fulfill their missions. These provisions were developed by the Commerce Committee while mindful of the delicate balance between implementing tough security measures and the effects such regulations may have on the Nation's economy and the movement of goods.

The aviation provisions incorporated in S. 4 were reported by our Commerce Committee on February 13 as S. 509, the Aviation Security Improvement Act of 2007. The provisions incorporate aviation-related 9/11 Commission recommendations and provide TSA with additional tools to carry out its layered approach to security. To do this, the aviation security provisions dedicate continued funding for the installation of in-line explosive detection systems utilized for the enhanced screening of checked baggage at our Nation's airports.

We all recognize the importance of screening 100 percent of cargo transported to and within the United States. Last year, in the Safe Port Act, Congress acted to ensure that all cargo arriving in the United States by sea is screened. In S. 4, we ensure that 100 percent of air cargo also is screened. The U.S. air cargo supply chain handles over 50,000 tons of cargo each day, of which 26 percent is designated for domestic passenger carriers.

Screening is of particular importance in Alaska. Anchorage, my home, is the

No. 1 airport in the United States for landed weight cargo, and it is No. 3 in the world for cargo throughput. Our provision would require TSA to develop and implement a system to provide for screening of all cargo being carried by passenger aircraft.

To address ongoing concerns about passenger prescreening procedures, the legislation requires the Department of Homeland Security to create an Office of Appeals and Redress to establish a timely and fair process for airline passengers who believe they have been misidentified against the ''no-fly'' or ''selectee'' watchlists.

TSA's layered approach to security relies not only upon equipment and technological advances but also upon improved security screening techniques employed by TSA screeners as well as the use of very effective canines. This legislation calls for TSA's National Explosives Detection Canine Team to deploy more of these valuable resources across the Nation's transportation network.

The bill we are considering also contains the provisions of S. 184, the Surface Transportation and Rail Security Act of 2007, which was also developed and reported on a bipartisan basis by our Commerce Committee. While the aviation industry has received most of the attention and funding for security, the rail and transit attacks in Britain, Spain, and India all point to a common strategy utilized by terrorists. The openness of our transportation system, our surface transportation network, presents unique security challenges. The vastness of these systems requires targeted allocation of our resources based upon risk.

Most of the surface transportation security provisions in the bill before the Senate today have been included previously as part of other transportation security bills introduced by Senator INOUYE, Senator MCCAIN, and myself. Many of the provisions in the substitute amendment passed the Senate unanimously last year as well as in the 108th Congress. Each time, however, the House of Representatives did not agree to the need to address rail, pipeline, motor carrier, hazardous materials, and other over-the-road bus security. The time has come to send these provisions to the President's desk. We are hopeful that the House will agree this time.

The substitute also contains provisions of the Commerce Committee's reported measure, S. 385, the Interoperable Emergency Communications Act. Since 2001, we have heard the cries of public safety officials that the police, firefighters, and emergency medical response personnel throughout the country need help in achieving interoperability. With this $1 billion program which helps every State, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long. The legislation addresses all of the public safety issues which have been brought to the attention of the committee. It also includes $100 million to establish both Federal and State strategic technology reserves to help restore communications quickly in disasters equal in scale to Hurricanes Katrina and Rita.

We should not politicize national security. The Commerce Committee's initiatives included in this bill are very important, and I urge their adoption.

Again, I appreciate very much the cooperation of the Homeland Security and Governmental Affairs Committee. We achieved the reported bills I mentioned from the Commerce Committee because of the bipartisanship in our committee. I hope this debate on this important bill before the Senate will continue in that same spirit. The American people really expect and deserve nothing less.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 298 TO AMENDMENT NO. 275

Mr. SCHUMER. Madam President, I ask unanimous consent that the pending amendment be set aside, that I be allowed to offer and speak on my amendment, and that Senator MENENDEZ be permitted to speak after I do. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, reserving the right to object, I ask that the Senator amend his unanimous consent request so we can go back and forth on his amendment. I suggest that after he speaks, I be recognized, then Senator MENENDEZ, then Senator COLEMAN, and that we go back and forth on the amendment.

Mr. SCHUMER. I have no objection.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SCHUMER. I do.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. MENENDEZ, proposes an amendment numbered 298 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strengthen the security of cargo containers)

On page 377 insert after line 22, and renumber accordingly:

TITLE XV—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. _____. DEADLINE FOR SCANNING ALL CARGO CONTAINERS.

(a) IN GENERAL.—The SAFE Port Act (Public Law 109–347) is amended by inserting after section 232 the following:

''SEC. 232A. SCANNING ALL CARGO CONTAINERS.

''(a) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

''(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

''(A) the container is scanned with equipment that meets the standards established pursuant to sec. 121(f) and a copy of the scan is provided to the Secretary; and

''(B) the container is secured with a seal that meets the standards established pursuant to sec. 204, before the container is loaded on a vessel for shipment to the United States.

''(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

''(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

''(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

''(C) REVIEW AND REVISION.—The Secretary shall—

''(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 2 years; and

''(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available—

''(I) to identify the place of a breach into a container;

''(II) to notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

''(III) to track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

''(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning provided such term in section 107 of title 46, United States Code.

''(b) REGULATIONS; APPLICATION.—

''(1) REGULATIONS.—

''(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231, without regard to the provisions of chapter 5 of title 5, United States Code.

''(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement subsection (a) not later than 1 year after the date of the submission of the report under section 231, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

''(2) PHASED-IN APPLICATION.—

''(A) IN GENERAL.—The requirements of subsection (a) apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

''(i) the end of the 3-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

''(ii) the end of the 5-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in any other country.

''(B) EXTENSION.—The Secretary may extend by up to 1 year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

''(i) finds that the scanning equipment required under subsection (a) is not available for purchase and installation in the port; and

''(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

''(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

''(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.''.

(b) CONFORMING AMENDMENT.—The table of contents for the SAFE Port Act (Public Law 109–347) is amended by inserting after the item related to section 232 the following:

''Sec. 232A. Deadline for scanning all cargo containers.''.

Mr. SCHUMER. Madam President, at the request of my colleague from Maine, who wishes to wait until Senator LIEBERMAN can come to the floor, I suggest the absence of a quorum.

Ms. COLLINS. Madam President, if we could withhold the request for a quorum, I thank the Senator from New York for his cooperation in this matter. I know the Senator from Connecticut is on his way.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Madam President, I rise today to speak on an amendment offered by myself and my colleague from New Jersey to deal with 100 percent scanning of containers that enter our ports.

First, I wish to salute my colleague from New Jersey. He has been a stalwart leader on this issue while in the House and now in the Senate. It has been a pleasure to work with him side by side on something people on both sides of the Hudson River care so dearly about.

I rise today to call upon my colleagues to take action against one of the greatest risks that confront the United States. It is one of the very greatest, if not the greatest risk, and that is a nuclear weapon reaching our shores in a shipping container.

More than 11 million cargo containers come into our country's ports each year, but only 5 percent of these containers are thoroughly inspected by Customs agents. That means right now if, God forbid, a nuclear weapon were put in one of these containers, it could have a 1-in-20 chance of being detected. No American, certainly no New Yorker, likes those odds.

It means a terrorist could almost use any cargo container as a ''Trojan horse'' to hide a nuclear weapon or radiological material and bring it to the United States. We know terrorists have tried to purchase nuclear weapons and radiological materials on the black market. We also know the United States is a top target.

Let me be clear: a nuclear weapon does not have to enter the United States or leave our ports to cause death and destruction. Our major ports are also our major cities because so many of our cities, similar to New York, were founded and thrive on maritime trading. A terrorist group could simply detonate a nuclear weapon at the port terminal for the ship docks or even as the ship approaches the harbor. The devastation of a terrorist nuclear attack is literally unimaginable. A nuclear explosion in one of our major ports or one of our major inland cities—if such a weapon were smuggled into one of our ports and driven by truck to it, an Omaha or a Chicago or a Saint Louis—would cause enormous loss of life, both immediately and over time. It would inflict huge economic and physical damage, would render parts of the attacked cities unusable and unapproachable for decades, and would dramatically change life in this country forever.

We are also at risk of an attack with a ''dirty bomb'' that combines conventional explosives with radiological material. The consequences, while not as severe as a nuclear weapon, would also be horrific.

A nuclear or radiological attack by terrorists in our ports is a scenario that keeps me up at night. I worry about my children, my family, my friends, and then 19 million New Yorkers, and 30 million Americans. But the people running things at the Department of Homeland Security do not seem to be losing a wink of sleep over this. DHS gives us the usual delay and nay-saying that we have seen so often.

I have been talking about this issue for 5 years in this Congress. I have offered amendment after amendment, and every time people come back and say: Forbear. We will get it done. Well, it is now 2007. It is 5½ years after 9/11, and we are not close to doing what we should be doing—not even close.

I am tired of all the excuses and delay and, frankly, lack of focus—proportionate focus. I am tired of the lack of proportionate focus the Department of Homeland Security gives to this issue. If we all agree this is one of the greatest tragedies that could befall us, then how in God's Name do we pay so little attention, put in so few resources to getting this done?

Congress—this new Congress—owes it to the country and to our children and to our families to do better. This amendment will do much better.

The Schumer-Menendez amendment contains the same firm deadlines the House passed in January for DHS to require all containers coming into the United States from foreign ports to be scanned for nuclear and radiological weapons and then sealed with a tamperproof lock.

Within 3 years, 100 percent of containers coming from the largest foreign ports would be scanned and sealed before arriving in the United States.

Within 5 years, 100 percent of all containers from all ports worldwide would be scanned and sealed.

Imagine, on that date, only 5 years from now, Americans could breathe a huge sigh of relief knowing we are safe from the nightmare I described earlier.

Now, I know what the critics say. The critics say 100 percent scanning cannot be done. But the truth is, technology for scanning does exist, and it can be expected to improve steadily, as technology usually does. The experts are divided. There are some who say it cannot be done, some who say it can be done. I know the shipping industry would rather we not do this, that we slow-walk it. I understand their interest. But our interest is much greater.

We already have advanced scanning equipment that can check for radiation as a moving cargo container passes through a port. That is without dispute. As a part of the same process, we have equipment that can create a detailed image showing the density of the contents of the container, in order to see radioactive material that might be shielded.

In fact, this scanning equipment is already being set up at foreign ports and brought online through DHS's Secure Freight Initiative, which is a pilot project required under last year's SAFE Port Act.

Now, the Secure Freight Initiative is a good start, but it is only a small start. It will only scan between 5 and 10 percent of our incoming cargo for nuclear weapons. We cannot, we must not, and do not have to accept 5 percent security.

The only real barrier to 100 percent scanning is lack of will—lack of will in the administration, which we have seen for 5½ years; lack of will in DHS, which we have seen from its inception;

and, frankly, lack of will in this Congress. If we show we are serious about 100 percent scanning, then we will see an end to the administration's and DHS's foot-dragging and a beginning of real security.

Adapting to 100 percent scanning may have some small effect on commerce. It is true, it will affect commerce. But that is far outweighed by the complete shutdown of trade that a successful attack would cause. A nuclear attack in the shipping chain would grind commerce to a halt.

Madam President, I ask unanimous consent that my colleague from New York, Senator CLINTON, be added as a cosponsor of the amendment.

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

Mr. SCHUMER. Our amendment is sensible, it is feasible, and it is absolutely necessary.

The Congressional Budget Office says the House bill—which is very similar to this amendment—will cost the Government $160 million in 2008 through 2012. That may sound like a lot of money, but it is such a small price to pay for an enormous improvement in security. When we compare it to the other large sums we spend on other things, it is not even close.

If we asked Americans to rank the cost of this program with the benefit, it would be at the very top of the list. America sees it. Certainly, New York sees it. New Jersey sees it. Why doesn't this body? I hope we will.

The amendment does not obligate the Government to buy scanning equipment or seals. Scanning equipment will simply become a cost of doing international business, similar to so many other necessary costs that are imposed for very good reasons.

The DHS rules for 100 percent scanning will not be developed in a vacuum but will use the results of the Secure Freight Initiative and other demonstrations of scanning technology.

Under my amendment, DHS will only issue a final 100 percent scanning regulation after the Secure Freight Initiative pilot project is complete and DHS reports to Congress. DHS will use the lessons learned from the pilot project to write regulations that are workable.

Our amendment also has some flexibility because it is obvious you cannot do scanning without equipment. The Secretary of Homeland Security can extend the deadline for 100 percent scanning by a year if the scanning equipment is not available for purchase and installation in a port.

This amendment also will not lock us into using today's technology when tomorrow arrives. Under this amendment, DHS will have to develop standards for the best available scanning technology and also for container seals and to update these standards regularly as technology improves.

This amendment accommodates our international agreements with our trading partners. It authorizes DHS to develop international standards for container security, and it directs DHS to ensure that 100 percent scanning is implemented in a way that is consistent with our international trade obligations.

I cannot overstate how much it disturbs me that Congress has, so far, lacked the resolve to impose firm deadlines for 100 percent scanning. Now the House has acted decisively and so should the Senate.

The amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world.

I truly believe, unless we have a firm deadline, DHS will continue to drag its feet and our people in America, in our ports and on land, will be susceptible to this kind of horror for far too many years than they should have to be. Again, there will be arguments that it is not feasible. A deadline will make it feasible. A deadline will concentrate the minds of those in DHS and in the shipping industry to get it done, and if after 3 or 4 years they have shown effort and they say they need an extension, they can come back to the Congress to do it. But I would argue that is the way to go, not to set no deadline and let them proceed at the all-too-slow pace we have seen thus far.

This amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world; otherwise, we will probably see the same misplaced priorities from DHS we usually do.

At any given moment, our seaports are full of container ships and more are steaming to and from our shores. Each one of these ships, unfortunately, is an opportunity for terrorists to strike at our industry, our infrastructure, and our lives. We know our enemies will wait patiently and plan carefully in order to create maximum panic, damage, death. A nuclear weapon in a shipping container would be a dream come true for them, those few crazy fanatics who unfortunately live in the same world as we do, but it would be an endless nightmare for us.

We have lived with the threat of a nuclear weapon in a shipping container for so long that some people seem prepared to accept this insecurity as a fact of life. But talk to intelligence experts or read the New York Times Magazine from last Sunday. Al-Qaida and others are focusing, and they would prefer this method of terrorism, worst of all. I am not prepared, my colleague from New Jersey, my colleague from New York, and hopefully a majority of this body is not prepared to let this insecurity continue. When it comes to shipping container security, the danger is obvious, the stakes are high, and the solution is available. We simply cannot afford any more delay.

One of the greatest risks facing our security is that a terrorist could easily smuggle a nuclear weapon from a foreign country into our ports. It would inflict countless deaths, tremendous destruction, and bring trade to a standstill. The bottom line is program screening for nuclear materials is delayed, funding for research and development squandered, and international security mismanaged.

If this administration isn't going to put some muscle behind security under the current laws, then Congress ought to do it, and we ought to do it now. We have waited long enough.

I urge my colleagues on both sides of the aisle to join with me and Senator MENENDEZ in making our ports, our Nation, and the international supply chain more secure by enacting firm deadlines for 100 percent scanning.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, I understand there is a UC that would have Senator COLLINS speak next, then Senator MENENDEZ, and then myself. I ask unanimous consent that we alter that so I can speak and then Senator MENENDEZ and then Senator COLLINS. I would simply switch places with Senator COLLINS. That is my understanding of the UC agreement.

Mr. MENENDEZ. Mr. President, reserving the right to object, I would ask the Senator how long he intends to speak.

Mr. COLEMAN. Is there a limitation under the UC?

The PRESIDING OFFICER (Mr. SALAZAR). There is no limitation under the current unanimous consent agreement.

Mr. MENENDEZ. I would say to my colleague I have the Governor of our State with whom I am supposed to meet right now and that is the only reason I am inquiring.

Mr. COLEMAN. Mr. President, I would ask my colleague from New Jersey how long he would intend to speak. Would he like to alter the UC to speak first and then I would follow?

Mr. MENENDEZ. Ten minutes.

Mr. COLEMAN. Mr. President, I would simply ask unanimous consent that the Senator from New Jersey speak for 10 minutes and then I would speak and then the Senator from Maine would have an opportunity to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, let me, first, thank my colleague for his courtesy. I appreciate it very much. I rise to join my distinguished colleague from New York, Senator SCHUMER, in offering this amendment. He has been a champion in this regard, and he understands that the cause of the devastation in the city of New York was the of acts of terrorism. I, too, reside right across the river and having lost 700 residents on that fateful day, I understand the consequences of inaction.

What we are calling for is to move forward to implement 100 percent scanning of all the cargo containers entering the United States. This, 5 years

later—5 years later—in understanding the realities of a post-September 11 world.

Last year this body took action to secure a long overlooked vulnerability in our Nation's security. We passed the SAFE Port Act, which made significant progress toward improving security in our ports. But the fact remains that until we know what is in every cargo container entering our ports, we cannot definitively say we are secure.

Because of our action in the SAFE Port Act, the Department of Homeland Security is now conducting a pilot project to implement 100 percent scanning of cargo at six ports. That is a crucial first step. However, reaching 100 percent scanning should not be a far-off goal but something we should be doing as quickly and as urgently as possible. When it comes to the security of our ports, we should not be comfortable with baby steps.

The amendment we are offering, the Senator from New York and I, would ensure that efforts to implement 100 percent scanning move forward by setting clear deadlines for all cargo entering U.S. ports to be scanned. Now, deadlines may not be popular, but the fact is they result in action. Let's not forget that the requirements set in the SAFE Port Act got the Department to act. Within 2 months of the bill being signed into law, the Department moved forward with the pilot project now underway.

The 9/11 Commission made a critical observation in how to approach securing our most at-risk targets. The Commission said:

> In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure.

We recognize we may not be at an ideal place to implement perfect technology, but we do have systems that work, and we should be doing everything possible to advance and implement them at every port. We cannot afford for terrorists to know our ports and our cargo are not defended. Frankly, when 95 percent of the cargo entering our ports has not been scanned, I think it is clear we have a lack of a significant deterrent. We have a 95-percent chance of getting something in. That is a pretty good percentage for the terrorists.

Our ports remain some of the most vulnerable and exploitable terrorist targets our Nation has. We cannot afford to wait for years and years while we simply cross our fingers that an attack will not hit our ports or disrupt our commerce.

In the years after September 11, our focus was largely and understandably on aviation security. But in narrowing in on such a singular focus, we did not start out making the strong investments needed in other areas of our security. We have spent less than $900 million in port security improvements since 2001, which is a small fraction of what we spend annually on aviation security. Only when faced with a very public and highly controversial deal that would have put American ports in the hands of a foreign government, did Congress act on port security.

For some of us, however, this is not a new issue, nor was the threat unknown. For 13 years, I represented a congressional district in New Jersey that is home to the Nation's third largest container port. The Port of New York and New Jersey, the majority of which physically resides in New Jersey, has a cluster of neighborhoods literally in its backyard. Ask any New Jerseyan from that part of the State and they will tell you how close to home the threat of port security hits. Every day, they drive by the containers stacked in rows within throwing distance of major highways. Every day, they see cargo coming off the ships, ready to be put on a truck that drives through their neighborhood or to sit in a shipyard visible from a 2-mile radius around the port, with an international airport and a transnortheastern corridor. Until we can assure them we know exactly what is coming into our ports and into their neighborhoods, they have a right to question their safety.

Ironically, the people who live in the backyards of the Port of New York and New Jersey also live in the shadows of what was the World Trade Center. But there are other ports throughout this country with similar neighborhoods. So not only are they keenly aware of the vulnerability of the ports, many of them have experienced or witnessed the destruction that took place on that fateful day.

Despite the awful lesson I hope we learned on September 11, where we saw everyday modes of transportation turned into destructive weapons, we still seem slow to understand that everyday modes of commerce could as quickly and easily be turned into weapons with catastrophic consequences. When it comes to the security of our cargo, precision is everything. We have to be on the ball every day. We have to be right about what is in every single container entering our ports. The terrorists only have to be right once, and they have a 95-percent chance to be right once.

This is not just a question of homeland security; it is also about economic security. Every year, more than 2 billion tons of cargo pass through U.S. ports. Jobs at U.S. ports generate $44 billion in annual personal income and more than $16 billion in Federal, State, and local taxes. The Port of New York and New Jersey alone handled more than $130 billion in goods in 2005. While too much of our country's and our Nation's ports are part of an invisible backdrop, they are key to an international and domestic economic chain, and if there was a major disruption, economies would be crippled and industries halted.

Many of us in this body have repeatedly warned of the disastrous repercussions if there was an attack at one of our ports. Yet, as a Nation, we have moved at a snail's pace when it comes to doing what is necessary to fully secure our ports. The question is, if we continue to delay and there is an attack because we have not implemented 100 percent scanning, what price then are we willing to pay? How much are we willing to sacrifice if the worst-case scenario happens at one of our ports?

I can't look at a constituent of mine or anyone in this country and say that algorithms—we presently scan only a small percentage, only 5 percent, the rest of it we do calculations by algorithms. If I tell an American that their protection is based upon algorithms, they would tell me I am crazy. But that is what is happening today. That is the layered approach. But it is an algorithm that supposedly protects you. If Hong Kong can do this, certainly the United States of America can do this. We are not talking about immediately, we are talking about 3 years for major ports, 5 years for all other ports, with the opportunity for extension.

In a post-September 11 world, where we have had to think about the unimaginable and prepare for the unthinkable, how can we continue to operate as if the threat to our ports is not that great? Can we not imagine how a ship with cargo can become a weapon of mass destruction? Can we not foresee how a deadly container can get to a truck and be driven through some of the most densely populated cities? Will we be content in telling the families of those whom we let down that we didn't move fast enough? I, for one, am not willing to do that. I believe we must do everything possible now so we never have to be in that position.

I hope my colleagues join Senator SCHUMER and myself in making sure we never have to look at a fellow American and tell them we just acted too slowly or we let economic interests overcome security interests. I think we can do much better. Our amendment does that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I agree with my colleagues from New York and New Jersey about the grave danger, the almost unimaginable horror that would occur if a nuclear device was smuggled into one of the 11 million containers that come into our ports every year. It is an area of vulnerability. It is an issue of great concern.

I am not a casual observer of this. I don't just lose sleep over this—which we all should—but for 3 years we worked on this. As chairman of the Permanent Subcommittee on Investigation, I participated in a 3-year review and then laid out a plan of action, working with the Senator from Connecticut and working with my Democratic colleague from Washington, Senator MURRAY. Of course, I also worked with the leadership and Senator COLLINS from Maine, chairman of the

Homeland Security Committee last year.

As a result of that 3-year effort, we put forth a bill last year to bolster American security. I say to those watching that there was not a 95-percent chance of somebody smuggling a nuclear device in a container. We are not simply looking at 5 percent and ignoring everything else. To raise that kind of level—first, that is simply not true. We have in place a system we need to do better with, no question about it. We passed legislation last year to help us do better. Part of that legislation is a provision that would require the Department of Homeland Security, through the secure freight initiative, to develop a pilot program to figure out can we do 100-percent testing of every container. That is what we should be doing. The idea that somehow there is a lack of resolve is simply not true. It is a matter of figuring out the right thing to do.

To quote an editorial in the Washington Post on Tuesday, January 9, 2007:

> Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job [if you know anything about border crossing and x-ray machines at airports]. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure every maritime cargo container bound for the United States is scanned before it departs for American shores.

I ask unanimous consent to have this editorial printed in the RECORD.

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

[From the Washington Post, Jan. 9, 2007]

A BAD INVESTMENT

What's more important, Coast Guard patrols or collecting fingerprints at border crossings? Running checked bags through X-ray machines at airports or installing blast barriers at nuclear plants?

Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure that every maritime cargo container bound for the United States is scanned before it departs for American shores.

Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo. The sensible posture is to await the results of those trials before buying port scanners, training the thousands who would be needed to operate them and gumming up international trade.

The Democrats don't offer a realistic cost estimate for the mandate they will propose today. But the cost to the government and the economy is sure to be in the tens of billions and quite possibly hundreds of billions annually. The marginal benefit isn't close to being worth the price. Under recently expanded programs, all cargo coming into the country is assessed for risk and, when necessary, inspected, all without the cost of expensive scanning equipment, overseas staff and long waits at foreign ports. Perhaps that's why the Sept. 11 commission didn't recommend 100 percent cargo scanning.

The newly installed House leadership will bring the bill, which contains a range of other homeland security proposals both deserving and undeserving, directly to the floor, bypassing the Homeland Security Committee. Luckily, the Senate will give more thought to its homeland security bill and probably won't approve a 100 percent container inspection plan. House Democrats can figure those odds as well as anyone. But why not score some easy political points in your first 100 hours?

Mr. COLEMAN. It goes on to say:

> Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision [or this amendment envisions]. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo.

That is what we have done. I offered that amendment last year. As a result, the Department of Homeland Security is putting in place a pilot that will scan all U.S.-bound containers at three ports by July of this year. They are the Port Qasim in Pakistan, which is ready for testing now; Port Cortez in Honduras, which is ready for testing now; and Southhampton in the United Kingdom, which will be ready in July.

So the reality is what we are doing in Congress is acting in a rational manner, understanding the needs to go forward as aggressively as possible but not fearing demagoguery and telling the public we are turning a blind eye to 95 percent of the cargo containers that are there. The idea of 100-percent scanning comes from a system we saw in Hong Kong, a system I asked the Senator from New York to look at. I believe he did. When you see that system, what happens is they have a scanning technology where vehicles literally roll through, nonstop, with no slowing up of traffic, and as it scans it takes almost a moving ''CT scan'' to see what is inside. There is a radiation portal device in front of it. Then you have that information. That is what he observed. That is 100-percent scanning.

But the reality is that system is in place in 2 of the 40 lanes in Hong Kong. Nothing is done with the information that is gathered it. It is not sent over to Langley or integrated into a more comprehensive review of what we do. Even if there are radiation signals that come off, there is not necessarily a mandated or forced review of the cargo.

So what the Senate did, being the world's most deliberative body, is look at the danger of the threat, and I agree with the Senators from New Jersey and New York that it is an enormously high threat. We said, how do we rationally handle that and not do political shenanigans and play to the fear of the public by saying 95 percent of the cargo containers are coming to this country without being dealt with. We said, how do we put in place a system where we see whether we can get 100-percent scanning to work and integrate it into our other systems. That is part of the point the public should understand. We do have systems in place. When the Senator from New Jersey talks about algorithms, he is saying that cargo—every single container gets rated at a level of risk; based on that, determinations are made as to the level of review. We have what would be called a delayed approach to security. We don't have the capacity, resources, or ability to scan 11 million containers today, so 100-percent scanning should be our goal, to be done in a way that we can use the information integrated into the system. By the way, it is done in a way that doesn't stop the flow of commerce.

The mayor of New York testified before the Homeland Security Committee. I asked him the question about 100-percent scanning. His quote was:

> Al-Qaida wins if we close our ports, which is exactly what would happen if you tried to look at every single 1 of the 11 million containers that come here.

We don't want al-Qaida to win or to close our ports. We want 100-percent scanning, but we want to do it in a way that doesn't raise the level of fear and somehow communicate to the public that there is a lack of resolve or a lack of will. It is a matter of us trying to proceed in a very rational way.

By the way, there is nothing in our amendment of last year that stops the Department of Homeland Security from moving forward quicker. Our amendment last year requires the pilot projects to be done within a year of passage of the bill last year. It says the Department has to come back to us, to Congress, and explain to us what it is going to take to move forward. We have in place today a mechanism that will accelerate the opportunity for 100-percent screening as fast as is possible. There is no lack of resolve, no lack of will, no bureaucratic obfuscation. There is simply the reality of trying to figure out a way to take the technology that is out there and incorporate it into the defense system we have so it is doing something. Again, we do it not because we want to tell people we are looking at 11 million containers. We certainly should not be telling people we are turning a blind eye to—or there is a 95-percent chance of something coming in without being considered. That is not reality.

As the mayor of New York also said when he testified, we cannot give a guarantee. No matter what we do, the enemy is going to try to attack us. They may succeed. But it would be a terrible tragedy if somehow it were conveyed that we are sitting on our hands and this Senate is not responding to the real, grave, and terrible threat of a nuclear device or a weapon

of mass destruction coming here in a cargo container.

We have in place a pilot project. Let the agency do what the Senate and Congress has dictated it do. Let it test the technology, see if it can make it work. Let it come back and tell us how quickly they are going to get it done. If it is not done quickly enough, I will join with the Senators from New York and New Jersey, and other colleagues, and say you have to accelerate the pace. Let there not be fear mongering about this issue. Let there not be what the Washington Post called ''political shenanigans.'' Let us play to our best instincts and let the public know we have resolve on this issue. Let's give the pilot program a chance to work. I urge my colleagues to reject this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from Minnesota for his excellent statement. He has spent a great deal of time on this issue as the former chairman of the Permanent Subcommittee on Investigations. He examined our ports very closely. He helped draft the port security bill we passed last year. I hope my colleagues will listen to his advice on this issue.

Mr. President, 100 percent screening, that sounds like a great slogan. After all, who could be against scanning 11 million containers?

Let's look at what that would involve. The fact is we need to concentrate our resources on containers that pose a real threat, on containers and cargo that are at highest risk. It doesn't make sense to try to inspect everything, and it has extraordinarily negative consequences for our system of international trade.

I rise to oppose Senator SCHUMER's amendment that would require scanning of all cargo containers entering the United States from large foreign ports within 3 years, and containers from all 700 foreign ports in 5 years. This approach patently ignores the technological limitations on integrated scanning systems that are necessary to scan 100-percent of containers. It irrationally assumes that integrated scanning systems will be practical and cost-effective and work well in only 3 years. I hope they will be, and I will talk about the pilot programs we have underway to see or to test the feasibility.

But the costs of being wrong on this assumption are too high for our economy, as so much of our international trade relies on cargo container traffic. Think of how many companies rely on just-in-time inventory. Think of how many businesses all across this country receive cargo. We need a system that makes sense.

The fact is there are substantial technological challenges to scanning 100 percent of cargo containers at foreign ports. I traveled to Seattle, Long Beach, and Los Angeles to look at the ports and see their operations. I think anyone who does that quickly reaches the conclusion Senator MURRAY and I have reached, which is this cannot work. If you look at how at-risk cargo is scanned, it takes time to unload the container, separate it from the rest of the cargo; it takes a few minutes to scan each container as this giant x-ray-like machine goes around the container. Then the analysis of the images can take several more minutes.

Think about this. We have 11 million containers headed to the United States; that is in a year's time. That is going up each year. When I first started working on port security legislation, it was only 8 million. Now it is 11 million containers. Well, think of the delays that would be caused by scanning each and every container. It would create a massive backlog of cargo at our ports and it would not make us safer.

There are other problems as well. Current radiation scanning technology produces alarm rates of about 1 percent—almost entirely from naturally occurring substances in containers. Actually, when I was in Seattle with Senator MURRAY, we were told that, for some reason, marble and kitty litter seemed to trigger false alarms. So obtaining enough foreign government and DHS personnel to conduct inspections of all those false alarms would be expensive. It is far better to concentrate on containers that, because of the cargo or because of other indicators through the sophisticated system used to identify at-risk cargo, warrant that kind of inspection. There would also be a requirement for extensive negotiations with foreign governments to agree on the deployment of scanning technologies, the protocol for inspecting containers that set off alarms, and stationing customs and border protection inspectors in their ports. Foreign governments would probably turn around and say: If you are going to scan all of the containers coming into America, we are going to scan all of your containers coming into our country. That would multiply the costs and the impact.

Requiring all containers to be scanned and the images reviewed without adequate technology in place would make our country less safe, not more safe. The approach in this amendment would unwisely waste scarce resources on inspecting completely safe cargo instead of targeting personnel and equipment on the cargo that presents a threat to our country and the greatest risk.

The Homeland Security Committee spent a great deal of time last year on port security legislation, and we drafted a bill, brought it unanimously to the Senate floor, had extensive debates in September, and we debated this very issue at that time. Why we are revisiting it just a few months later is beyond me, but here we are.

This amendment wholly ignores the pilot projects that were established by the SAFE Port Act which we passed last year. These pilot projects are intended to test the technology to see if there is a way to increase scanning. The technology is changing. It is getting better. This may be feasible at some point, but it is not today.

The SAFE Port Act requires the Department of Homeland Security to test scanning in three foreign ports, and the Department is proceeding very rapidly to follow the instructions. It is going to be implemented in ports in Pakistan, Honduras, and the United Kingdom. These pilot projects will involve radiation scanning and x-ray or a non-intrusive imaging scanning that will then be reviewed by American employees, American officials. If these pilots are successful, then we will begin to expand the equipment and the personnel. But the fact is that extensive research and development remains to be done on 100-percent scanning technologies and on infrastructure deployment at seaports.

Given the significant impact this requirement would have on our economy, it simply is not responsible to move to this requirement before we have the technology in place to make it feasible and before we have the results of these pilot projects. This isn't just my opinion. If one talks to port directors around the world and on both coasts of the United States, one will find that they believe we cannot do this in a practical way and that it would cause massive backlogs and delay the delivery of vital commodities. It would cause terrible problems for companies that rely on just-in-time inventory. That is why many shippers and importers oppose this amendment, as well as the Retail Industry Leaders Association, National Retail Federation and the U.S. Chamber of Commerce.

So what do we do now? I think it is important for people to understand that we do have a good and improving system in place to secure our cargo. DHS has adopted a layered approach to cargo security that balances security interests against the need for efficient movement of millions of cargo containers each year.

One layer is the screening of all cargo manifests at least 24 hours before they are loaded onto ships. This screening is done through DHS's automated targeting system which identifies high-risk cargo and containers. This is a very important point. The SAFE Port Act, which is now in effect, requires 100 percent of all high-risk containers to be scanned or searched by Customs and Border Protection—100 percent. We found in our investigations that was not always the case, that high-risk containers that had been identified were, in some cases, loaded onto ships and reaching our shores. But the SAFE Port Act changes that. It ensures that 100 percent of high-risk containers will be scanned.

The scanning and inspection of certain high-risk containers is one of the first layers of this multilayered approach the Department uses to prevent

weapons of mass destruction or other dangerous cargo from entering the United States.

A second layer is the Container Security Initiative. This program stations Customs and Border Patrol officers—American Customs and Border Protection officers—at foreign ports. The concept here is to push back our shores. The more we can do these reviews overseas rather than waiting for dangerous cargo to come to our shores, the better the system. CSI will be operational in 58 foreign ports by the end of this year, covering approximately 85 percent of containerized cargo headed for the United States by sea. DHS is continuing to expand this program by working with foreign governments, but this is an excellent program because it ensures that our trained American personnel are stationed in foreign ports.

There is yet another layer, a third layer, and that is the Customs-Trade Partnership Against Terrorism Program. It is called C-TPAT. This is another layer that is designed to bolster security along the entire supply chain under a voluntary regime. The concept here is that a company can sign up to be part of C-TPAT by guaranteeing that its entire supply chain is secure from the factory floor to the showroom floor, and that is the best kind of security we can have. So when goods leave the factory floor, the supply chain, every step of the way—the transporting of the cargo in a truck to the truck going to the port—at every stage, the company has ensured that the supply chain is secure.

These layers—the automated targeting system, the work the Coast Guard does, which I haven't even touched on—also add to the security. The Container Security Initiative and the C-TPAT Program represent a risk-based approach to enhancing our homeland security. At the same time, they allow the maritime cargo industry in the United States, which moves more than 11 million containers each year, to continue to function efficiently.

The SAFE Port Act also requires that at the end of this year, the largest 22 U.S. ports must have radiation scanners, which will ensure that 98 percent of containers are scanned for radiation. That is practical with the current technology. Again, I have seen that in operation in Seattle, where the trucks roll through these radiation portal monitors and an alarm can sound if radiation is found. Sometimes, unfortunately, there are false alarms as well.

We are also working to install those kinds of radiation monitors overseas because, obviously, it is far better if we can do that scanning for radiation overseas in foreign ports on cargo before it reaches our shores. The Department of Energy, under the Megaports Initiative, is currently installing scanning equipment in foreign ports and scanning containers for radiological material. So we are making good progress.

Some who are advocating 100 percent screening are pointing to a project in Hong Kong, the Integrated Container Inspection System. This is a promising concept, but, as my colleague from Minnesota noted, the project in Hong Kong actually covers only 2 lanes of traffic of more than 40 at the port. In addition, what is happening is images are being taken, but no one is reading and analyzing the images. So this is not truly a project that tells us whether a true, 100-percent integrated scanning system is feasible. But we do have those projects underway, and we should wait until they are ready and finished before moving ahead.

Again, I hope my colleagues will once again reject this amendment. I think it is a big mistake. It would interrupt our system of container traffic, and it could have truly disastrous consequences for our economy. All of us want to make sure cargo coming into this country is safe. There were definitely vulnerabilities and holes in our system for cargo security, but the SAFE Port Act, which we passed at the end of last year, took major steps to plugging those gaps, closing those holes.

We should proceed with vigorous implementation of that bill, including the requirement that 100 percent of all high-risk cargo be scanned, and we should also continue our efforts to build the strongest possible layered system to secure the entire supply chain.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to build on some things my ranking member, Senator COLLINS, said about this amendment. I think what ought to be acknowledged is that everyone in the Senate, everyone in America would like to get to the point where we have 100 percent scanning of containers coming into this country—scanning for radiation because we are worried about the potential catastrophe of a nuclear weapon or a dirty bomb in a container coming into this country.

We know the number of containers coming in is enormous. Each day, more than 30,000 containers offload millions of tons at our maritime borders. We understand this requires two kinds of screening: First is radiation detection equipment to pick up, obviously, radiation emanating from a nuclear weapon or a dirty bomb; secondly, so-called nonintrusive imaging equipment, which is needed in case terrorists have shielded the nuclear weapon or dirty bomb inside some kind of material that will stop it from registering on the radiation equipment. So the nonintrusive imaging equipment, x-ray equipment, will note there is something there that is shielded, which will then lead to a physical inspection of the container.

There is no question in my mind that everybody in the Senate wants to get us to a point where we have 100 percent of the containers coming into America being scanned in the way I just described as soon as possible. What I want to say at this point is that the SAFE Port Act, which, as Senator COLLINS said, came out of our Homeland Security Committee last year—during those halcyon days when she was Chairman and I worked deferentially as the Ranking Minority Member—was a good, strong bill. It came out of committee, was adopted by both Houses, enacted, and became law on October 13 of last year. Here is the point. The SAFE Port Act, existing law, sets the goal of 100 percent scanning by radiation detection equipment and nonintrusive imaging equipment, as soon as possible.

Obviously, if somebody says we should do it in 5 years, you would say: Sure, why not do that in 5 years. But I want to suggest now that I believe the existing law holds open the possibility of achieving that goal of 100 percent cargo scanning, assuming we can get over all the technological obstacles that Senator COLLINS and others have spoken of, sooner than the 5 year requirement found in this amendment. That is why it seems to me, with all due respect, that this amendment is unnecessary and, in fact, is less demanding than existing law.

Let me go now to section 232 of Public Law 109–347, which is the SAFE Port Act. It says that the Secretary, in coordination with the Secretary of Energy, and foreign partners as appropriate, shall ensure integrated scanning systems are fully deployed—100 percent—to scan, using nonintrusive imaging equipment and radiation detection equipment, all containers—all containers, 100 percent—before those containers arrive in the United States, as soon as possible.

As soon as possible, I hope, will occur before the 5 years required by this amendment. Not only does it set the goal as soon as possible, it creates a process that, with all due respect, is not found in this amendment, and that process as Senator COLLINS and Senator COLEMAN have described. A one year pilot project scanning 100 percent of cargo containers by these two methods of detection, at three ports around the world. That pilot has already begun. Six months after the conclusion of the pilot program, the Secretary has to report to Congress on the success of the program. The Secretary also has to do something else, according to the law. The Secretary has to indicate to the relevant committees of Congress how soon the 100 percent scanning goal of the SAFE Port Act can be achieved.

Not only that, but subsection (c) of section 232 of the SAFE Port Act says that not later than 6 months after the submission of the initial report—and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment of 100 percent cargo screening. That is not in the House-passed provision or, as I see it, in this amendment before us now.

In other words, 6 months after the year long pilot project, the Secretary is going to report on the results and tell us when exactly he thinks we can achieve 100 percent screening of all cargo. The Secretary will then be required to file a similar report every 6 months thereafter until we achieve full-scale deployment of these two types of scanning devices to detect nuclear weapons that may be smuggled into this country in a container.

Obviously, if the relevant committees of Congress that receive these reports—the first of which by my calculation would be April of next year, 2008, and then every 6 months thereafter—believe this implementation is not moving rapidly enough, we can come back and set a definite deadline date. Right now, however, I submit to my colleagues, existing law, the SAFE Port Act, actually sets a goal of 100 percent cargo scanning that I think may be more quickly achieved than the 5 years in this amendment, and sets up a process not found in the amendment, which requires reports to Congress every 6 months. This will inevitably, by the nature of the congressional process, trigger further legislation, perhaps specifically stating a deadline date for 100 percent scanning if we, in our wisdom, think that the Secretary and the industry are not moving rapidly enough.

The bottom line is this. Existing law, in a technologically very difficult area, with significant potential impacts on our economy and the world economy, actually holds the potential of achieving more, and I believe will achieve more, than the amendment that is being offered. For those reasons, I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

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

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

HEALTH CARE

Mr. CARDIN. Mr. President, yesterday, the Washington Post brought to the Nation's attention the story of a young boy, Deamonte Driver, who died Sunday, February 25, at the age of 12. Our thoughts are with the Driver family. Deamonte's death, the result of a brain infection brought on by a tooth abscess, is a national tragedy. It is a tragedy because it was preventable. It is a tragedy because it happened right here in the United States, in a State which is one of the most affluent in the Nation. It happened in a State that is home to the first and one of the best dental schools in the Nation, the University of Maryland. It happened in Prince George's County, whose border is less than 6 miles from where we are standing in the United States Capitol.

By now, most of my colleagues are familiar with Deamonte's story. Through a sad confluence of circumstances and events, the disjointed parts of our health care system failed this child. The Driver family, like many other families across the country, lacked dental insurance. At one point his family had Medicaid coverage, but they lost it because they had moved to a shelter and the paperwork fell through the cracks. Even when a dedicated community social worker tried to help, it took more than 20 phone calls to find a dentist who would treat him.

Deamonte began to complain about headaches just 8 weeks ago, on January 11. An evaluation at Children's Hospital led beyond basic dental care to emergency brain surgery. He later experienced seizures and a second operation. Even though he received further treatment and therapy, and he appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25.

At the end, the total cost of Deamonte's treatment exceeded $250,000. That is more than 3,000 times as much as the $80 it would have cost to have a tooth extraction. It is not enough for the community and the State, and even the Senate, to mourn Deamonte's death. We must learn from this appalling failure of our broken health care system, and we must fix it.

Former Surgeon General C. Everett Koop once said: ''There is no health without oral health.'' The sad story of the Driver family has brought Dr. Koop's lesson home in a painful way.

Our medical researchers have discovered the important linkage between plaque and heart disease, that chewing stimulates brain cell growth, and that gum disease can signal diabetes, liver ailments, and hormone imbalances. They have learned the vital connection between oral research advanced treatments like gene therapy, which can help patients with chronic renal failure. Without real support for government insurance programs like SCHIP and Medicaid, however, all this textbook knowledge will do nothing to help our children.

Here are some basic facts: According to the American Academy of Pediatric Medicine, dental decay is the most chronic childhood disease among children in the United States. It affects one in five children aged 2 to 4, half of those aged 6 to 8, and nearly three-fifths of 15-year-olds.

Tooth decay is five times more common than asthma among school-aged children.

Children living in poverty suffer twice as much tooth decay as middle and upper income children.

Thirty-nine percent of Black children have untreated tooth decay in their permanent teeth.

Eleven percent of the Nation's rural population has never visited a dentist.

An estimated 25 million people live in areas that lack adequate dental care services.

One year ago, the President signed into law the so-called Deficit Reduction Act. I voted against that bill. It included dangerous cuts to Medicaid that provide only short-term savings while raising health care costs and the number of uninsured in the long term. That law allows States to increase copayments by Medicaid beneficiaries for services, putting health of America's most vulnerable residents like the Drivers at risk.

The new law also removes Medicaid's Early and Periodic Screening, Diagnostic, and Treatment Program guarantee, which provides children with vital care, including dental services. This became effective as of January 1.

What does this mean? Before the Deficit Reduction Act, Medicaid law required all States to provide a comprehensive set of early and periodic screening and diagnostic treatment benefits to all children. Now States can offer one of four benchmark packages instead, and none of these packages include dental services. According to the Congressional Budget Office, as a result of this provision, 1.5 million children will receive less benefits by 2015.

The last few years have also produced budgets that have crippled health initiatives in this country. This is the result of an agenda that does not give priority to health care, science, and education. After doubling NIH's budget in 5 years, at about a 15-percent annual growth ending in 2003, we are now looking at increases that don't even equal the rate of inflation. With flat funding in the President's NIH budget this year, we are not doing more, we are treading water. When it comes to research project grants, we are doing less. At the same time, overall appropriations for the Health Resources and Services Administration are declining.

The agency's principal responsibility is to ensure that primary care health care services and qualified health professionals are available to meet the health needs of all Americans, particularly the underserved. The President's fiscal year 2008 budget cuts this program by $251 million. President Bush, once again, proposes to almost wipe out programs that educate non-nurse health professionals. This is happening at a time when more than 20 percent of our dentists are expected to retire in the next decade.

The 2008 Bush proposal would also cut more than $135 million from health professions training programs. Programs that help prepare minority high school and college students for dentistry would be shut down, as would grants to help support training of primary care doctors and dentists. Scholarships for minority and disadvantaged children would be cut significantly.

Dental reimbursement for programs within the Ryan White CARE Act, which help dental schools train doctors to care for HIV patients, is not increased sufficiently to meet our communities' needs. We cannot let this happen. These training programs provide critically important training and health education services to communities throughout the country, including those in my own State of Maryland.

We need to do more to make the public and the administration understand that dental care must be part of a comprehensive medical approach in this country, and we need to find ways to provide dental coverage as part of health insurance plans.

This comes back to a fundamental question: What should the role of the Federal Government be in these matters? We cannot end these vital health education resource programs; we must strengthen them. Deamonte's death should be a wake-up call to all of us in the 110th Congress. This year we will be called upon to make important decisions about Medicaid funding and we will be called upon to authorize the SCHIP program. We must ensure that the SCHIP reauthorization bill we send to the President for his signature includes dental coverage for our children. I call upon my colleagues, as we begin this debate in the spring, to remember Deamonte. I also ask them to remember his brother, DaShawn, who still needs dental care, and the millions of other American children who rely on public health care for their dental care needs. That is the least we can do.

I urge my colleagues to give these matters the attention they need.

I yield the floor.

Mrs. McCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

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

ACCOUNTABILITY AT WALTER REED

Mrs. McCASKILL. Mr. President, yesterday I had the privilege of spending 3 hours at Walter Reed Army Hospital, specifically looking at outpatient care. As a result of that visit, I have come to several inescapable conclusions about the leadership of the armed services over this important area.

First, we have to start with a foundational premise, and that premise is our wounded deserve the best. The men and women who have crossed that line and say ''I will go'' and go and get hurt and come home deserve the best our military can give them—not Building 18.

There are so many problems at Walter Reed, and legislation has been introduced that I am honored to cosponsor that will address a lot of these problems—systemic bureaucratic problems: not sufficient counselors, not sufficient training, not taking care of the families of the wounded. A lot of necessary issues are covered in that legislation. But today I thought it important to spend a few minutes talking about the leadership.

We have to make up our mind around here whether we are going to say ''support the troops'' and provide oversight and accountability or whether we are going to mean it. If you are going to have accountability under these circumstances you have to look at the culture of leadership. You have to look at the very top of the leadership tree over Walter Reed. In this instance the leader, General Kiley, was at Walter Reed at or near the time Building 18 opened. It is clear that General Kiley, the Surgeon General of the Army, knew about the conditions at Building 18. More importantly, he knew about the other problems.

The irony of this situation is General Weightman, who has only been there a year, stepped up and said, I take responsibility. I am the commander here now. Just minutes ago he was relieved of his command, while General Kiley is quoted repeatedly as if there is not a problem—he is spinning: ''I want to reset the thinking that while we have some issues here, this is not a horrific, catastrophic failure at Walter Reed. I mean these are not good, but you saw rooms that were perfectly acceptable.''

They are not perfectly acceptable. You have people who are stationed at Walter Reed who have better barracks than the wounded. That is unacceptable. Our wounded should get the best. The people in better barracks can be placed in apartments in town. When the decision was made to let these men move into Building 18, they could have moved into the better barracks and the people who are stationed there permanently could have been stationed elsewhere.

On Building 18 he said the problems—by the way, he lives within a block of Building 18, General Kiley—''weren't serious and there weren't a lot of them.'' They are serious and there are a lot of them. He said they were not ''emblematic of a process of Walter Reed that has abandoned soldiers and their families.''''

Back in December, when the vets organizations met with General Kiley and enumerated these problems about the wounded and their families and the problems they were facing in outpatient, General Kiley said, ''very important testimony.'' That was it.

I want to make sure there is no misunderstanding. Colonel Callahan, who is in charge of the hospital at Walter Reed, was open and honest and clearly cared, as did most of the leaders I talked to around the table. But I went away with an uneasy sense that all the legislation we pass and all the paint we can put on the walls is not going to solve this problem if we don't begin to speak out for accountability within the leadership of the military.

When we had the scandal at Abu Ghraib, noncommissioned officers were disciplined. Up until the relieving of General Weightman today, no one above a captain had been disciplined in this matter. It is time the leadership at the top takes responsibility and that is why I have called today for the Surgeon General of the Army, LTG Kevin Kiley, to be relieved of his command over the medical command of the United States Army so the message can go out loudly and clearly: We will not tolerate treatment of our wounded in any way that does not reflect the respect we have for them.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 290, AS MODIFIED

Mr. SALAZAR. Mr. President, I ask unanimous consent to modify amendment No. 290. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is not pending. The Senator may modify his amendment.

Mr. SALAZAR. I send the amendment as modified to the desk. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. LIEBERMAN, proposes an amendment numbered 290, as modified.

The amendment is as follows:

(Purpose: To require a quadrennial homeland security review)

At the appropriate place, insert the following:

SEC. ___. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland security strategy under this subsection shall be known as the ''quadrennial homeland security review''.

(5) CONSULTATION.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland security review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. Each such report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

Mr. SALAZAR. Mr. President, I come here today first to make some comments about the legislation that is before the Chamber. I can think of no greater responsibility for this Senate to take on than to make sure our homeland is in fact secure and protected. I commend my colleagues, the chairman, Senator JOE LIEBERMAN, and Senator SUSAN COLLINS, the ranking member, for having worked with the committee to have brought a very good product here to the floor of the Senate. It is legislation I strongly support. It moves our country in the right direction in terms of making sure we are moving forward with the appropriate level of homeland security.

When the people of Colorado chose me to represent them here in this Chamber, I made a promise to them that protecting our homeland and supporting law enforcement would be among my very highest priorities. In the 2 years-plus since I took that oath of office, I have had the privilege of working hard to fulfill that pledge with my colleagues here in the Senate. With the help of colleagues of both parties, I have been privileged to help pass the Combat Meth Act, I have been privileged to help find bipartisan support on the PATRIOT Act, provide resources for law enforcement and emergency responders, and pass, last year, a comprehensive immigration reform bill that secured our borders and enforced our laws.

Great challenges remain. Great challenges remain as we move forward with the challenge of homeland security, challenges that cannot be deferred, challenges we should not defer here in Washington. These are challenges that require compromise and a bipartisan approach in dealing with homeland security. This week we take up those challenges as we implement the unfinished recommendations of the 9/11 Commission.

I begin my remarks by reading a few sentences from the preface of the 9/11 Commission report. That report said in its preface the following:

> We have come together with a unity of purpose because our Nation demands it. September 11, 2001, was a day of unprecedented shock and suffering in the history of the United States. The nation was unprepared. How did this happen and how can we avoid such tragedy again?

These words convey a simple but a very important message. We have an obligation to work together, not as partisans but as policymakers, to ensure our Nation is better protected in the future. The bill we are debating today takes a number of very important steps in that direction.

First, I am pleased to see the creation of a grant program dedicated to improving interoperable communications at the Federal, State, and local levels. This grant program will help ensure that communities across the country in both urban and rural areas receive the funding necessary to improve their communications systems. Money alone will not solve the problem of interoperability, but many cash-strapped communities need the Federal funds necessary to help purchase the necessary radio and tower upgrades.

It is also important to note that States will be required to pass on at least 80 percent of grants under this program to local and tribal governments and to demonstrate that those funds will be used in a manner consistent with statewide operability plans and the National Emergency Communications Plan. While Colorado has been a leader in achieving interoperability, many communities in my State simply do not have the resources necessary to purchase radio equipment. As Frank Cavaliere, the chief of the Lower Valley Colorado Fire District, told my office last year, ''We are many light years away from being able to purchase enough radio equipment let alone all of the repeater towers needed for effective coverage.'' This grant program alone will not solve the problem, but it is an important step in the right direction.

Second, I am pleased to see the proposed legislation would improve the sharing of intelligence and information with State and local and tribal governments. In particular, I am pleased the bill establishes an intelligence training program for State, local, and tribal law enforcement officers and emergency responders, and it authorizes the Interagency Threat Assessment Coordination Group, which will coordinate the dissemination of intelligence to State and local officials.

Intelligence and information sharing is an issue of particular importance to law enforcement officials and emergency responders throughout our Nation. Indeed, when I conducted a survey last year of Colorado emergency officials, by a 3-to-1 margin they felt anti-terrorism information they received from the Federal Government was insufficient and ineffective. The chief of police for Estes Park, CO, Lowell Richardson, summed this up when he told my office the following. He said ''a duplicity in sharing information . . . exists between State and Federal agencies. This overwhelms our ability to efficiently sift through the information and forward what is relevant to the officers on the street.''

I am hopeful this bill will begin to sort out this program and ensure our State and local emergency responders have all the necessary information and intelligence.

Finally, I am pleased the bill would mandate the creation of a National Biosurveillance Integration Center which would promote the integration of Federal, State, and local data from human health, agriculture, and environmental surveillance programs in order to enhance the ability to rapidly identify and attack outbreaks following a bioterrorist attack or a naturally occurring pandemic. In the survey of Colorado emergency responders, by a 4-to-1 margin they felt unprepared to handle a weapons of mass destruction attack. It is our duty as a Congress to do everything in our power to help State, local, and tribal communities prepare for the possibility of a bioterrorist attack and this bill takes an important step in that direction.

I also note two amendments which I offered to strengthen this already good bill. These amendments deal with two issues which I understand well since serving as attorney general for Colorado, the planning and training for law enforcement.

Now I ask unanimous consent the pending amendment be set aside. I call up amendment No. 290 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Mr. SALAZAR. This amendment would require the Department of Homeland Security to conduct a ''Quadrennial Homeland Defense Review.'' I am proud both Senator LIEBERMAN and Senator COLLINS are cosponsors of this legislation.

This amendment would provide a comprehensive examination of the national homeland security strategy and an assessment of interagency cooperation, preparedness of Federal response

assets and infrastructure, and a budget plan.

The quadrennial homeland defense review would mirror the quadrennial homeland defense review prepared by the Pentagon which helped shape defense policy, military strategy, and resource allocation. The quadrennial review would not be another bureaucratic document which gathers dust on some shelf; instead, this document will require DHS to do the hard thinking, preparation, and planning necessary to coordinate national homeland security resources.

AMENDMENT NO. 280 TO AMENDMENT NO. 275

The second amendment I wish to discuss is amendment No. 280. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR, proposes an amendment No. 280 to amendment No. 275.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

Mr. SALAZAR. Mr. President, this amendment, which I offer with Senators CHAMBLISS, ISAKSON, and PRYOR, would create a Rural Policing Institute at the Federal Law Enforcement Training Center. I have often referred to our rural communities as ''the forgotten America.'' Indeed, rural America is the backbone of our country. But often those with wide stretches of land out in the heartland of America are forgotten and don't have the kinds of resources found in larger cities.

What this amendment would do is create a Rural Policing Institute that would be operated out of the Federal Law Enforcement Training Center in Georgia. I am proud my colleagues in Georgia and Arkansas have agreed to cosponsor the amendment. The essence of this amendment is to evaluate the needs of rural and tribal law enforcement agencies. It would develop training programs designed to address the needs of rural law enforcement agencies. It would export those training programs to those agencies, and it would conduct outreach to ensure the programs reach rural law enforcement agencies.

Let me comment briefly on this amendment. When I step back and see what we are trying to do on the front of homeland security, we know that at some point, someplace, we in the United States will be attacked again in the same way we were attacked on 9/11. The question becomes, What will we do to prevent those kinds of attacks from occurring?

If one looks at the men and women who wear our uniform as our peace officers around the country, there are some 600,000 of them out there in patrol cars. They are the ones who are going to be the first to really know whether there is a threat somewhere within a small community or a large community. It is important for us to support these men and women who are out there as law enforcement officers and make them a coordinated partner in helping us deal with issues of homeland security. The Rural Policing Institute, which is a top-of-the-line institute for Federal law enforcement training, should be made available to these rural law enforcement officers because that will help them be true partners in enhancing homeland security, which we need so much.

I commend the leadership of Senators LIEBERMAN and COLLINS on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LIEBERMAN. Mr. President, if the Senator from New Jersey will withhold, I ask unanimous consent that the Senate stand in recess from 3 p.m. to 4 p.m. for the national security briefing in S. 407; that upon reconvening at 4 p.m., the Senate resume the Schumer amendment No. 298; that prior to a vote in relation to the amendment, there be 45 minutes of debate equally divided and controlled by Senators SCHUMER and LIEBERMAN or their designees; that no amendment be in order to the amendment prior to the vote; and that upon use of the time, the Senate proceed to vote in relationship to the amendment.

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

Mr. LIEBERMAN. I thank my friend from New Jersey.

AMENDMENT NO. 298

Mr. LAUTENBERG. Mr. President, I will try to conclude my remarks before the time we are closing down the Senate.

The House has taken an important step to implement the 9/11 Commission recommendations. I am pleased to see us at work to complete our deliberations on this bill, but for the moment, I wish to talk about amendment No. 298 which Senator SCHUMER has offered to strengthen our port and container security. It builds on a law I helped write last year. It was then that I authored language in the SAFE Ports Act to require the Bush administration to scan every container entering our country, looking for weapons and contraband. My amendment called for a dramatic change in our national policy on cargo screening, but the administration was not moving fast enough. That is why it is essential that we pass today's amendment offered by Senator SCHUMER, which I cosponsored.

The 2-mile stretch that is between Port Newark and Newark-Liberty International Airport is considered the most at-risk area in the country for a terrorist attack. This is asserted by the FBI, and it is something to which we have to pay serious attention.

I served as a commissioner of the Port Authority of New Jersey and New York. I know how vulnerable a target the port region is. Our ports are the doors through which essential goods and commodities enter our national economy. They are the doors through which supplies flow to our military. Ninety-five percent of all America's imported goods arrive by ship. We need a way to ensure that 100 percent of these containers coming into our country are WMD free. We need a scanning system in place as soon as possible. Since the Bush administration has failed to act promptly to put this scanning system in place at our ports, we need to pass this amendment to push the administration to complete the task.

The New Jersey-New York port is the second busiest container port in the entire country. In 2005, 13 percent of all vessels arriving in America called on our port. Thousands of longshoremen and others work at docks where these ships come in, and millions of people live in the densely packed communities around the port. Every day we fail to make our ports safer is a day we can leave them more vulnerable to a terrorist attack.

Today, we only inspect about 5 percent of the shipping containers that enter our country. Who knows what lies within those containers? We have seen attempts to smuggle arms into our country through the port. Within 95 percent of the containers we don't inspect, terrorists could launch an attack even more devastating than 9/11,

virtually in the same neighborhood. Terrorists could smuggle themselves, traditional weapons, chemical or biological weapons, or even nuclear weapons. We know about the availability of smaller, more compact, more deadly weapons that are being developed.

We have seen what happened in the past. In April 2005, security guards at the Port of Los Angeles found 28 human beings, Chinese nationals, who were smuggled into the country in two cargo containers. In October 2002, Italian authorities found a suspected Egyptian terrorist living in a shipping container en route to Canada. According to a news report at the time, he had a laptop computer, two cell phones, a Canadian passport, security passes for airports in three countries, a certificate identifying him as an airline mechanic, and airport maps. We can't let that happen.

We have screened all airline passengers for weapons, and we do it because Congress passed a strong law with clear deadlines. Of course, that forced the Bush administration to act. We need to screen all cargo containers for weapons. That is why we have to pass a strong law now.

Some in the industry and the administration say 100 percent screening cannot be done without crippling our economy. Let me tell my colleagues what would cripple commerce—that would be another terrorist attack. We lost 700 New Jerseyans and a total of over 3,000 people on 9/11. I don't want my State or anybody in our country to lose any more. This amendment will give us the tools and incentives we need to help prevent an attack on our ports, and it will help protect our economy and American lives.

I am proud to cosponsor the amendment and urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 6 minutes prior to the recess.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 739 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENT NO. 281 WITHDRAWN

Mr. BINGAMAN. Mr. President, prior to yielding the floor, I ask unanimous consent to withdraw my amendment, No. 281, to the pending bill.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:01 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. SESSIONS. I would ask to be notified in 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

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

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 298

Mr. LIEBERMAN. Madam President, at 4:45, there will be a vote on or in relation to the amendment offered by Senator SCHUMER and Senator MENENDEZ. I wish to explain very briefly—and Senator COLLINS will speak later—on why we did not include this provision in the committee bill.

This provision which Senators SCHUMER and MENENDEZ have offered mirrors the section of the House-passed 9/11 bill. It was not actually called for by the 9/11 Commission, specifically, but it obviously relates to security and our concern about nuclear weapons or dirty bombs coming in through the thousands of containers that enter our ports every day.

The reasons our committee in its deliberation in bringing this bill to the floor did not include language similar to the House bill is, first, the 9/11 Commission didn't ask for it, and most of what we have done, though not all, was included in that report; but, secondly, we acted last year in adopting the SAFE Port Act, enacted into law on October 13, 2006.

It does provide for a pilot program at three foreign ports to provide for the scanning of cargo containers by radiation detection monitors and x-ray devices required under this proposal. There will be a report coming 6 months after the end of that one year pilot program. Among other responsibilities dictated by the law, the Secretary of Homeland Security will be required to report not only on how the pilot program went, but when we will achieve the goal of which—reading from the law, section 232—''all containers entering the United States, before such containers arrive in the United States, shall as soon as possible be scanned using nonintrusive imaging equipment and radiation detection equipment.''

In other words, existing law requires that we move—and I quote again—''as soon as possible to 100 percent scanning of all of the containers coming into the country.'' It requires the Secretary to report on how we are moving toward that goal, and when he thinks we can achieve it, every 6 months.

In my opinion, existing law has a 100-percent goal right now, with reporting every 6 months to the relevant committees. Senators SCHUMER and MENENDEZ have asked that it occur within 5 years and actually give a 1-year waiver opportunity to the Secretary.

At this point, I say respectfully that this requirement is premature. I hope that under current law, ''as soon as possible'' will occur before 5 years time. To my friends who offer the amendment, if after the first 6-month report, due next April, or the second 6-month report, it looks like, based on what the Secretary reports, 100 percent scanning of containers coming into the country is to be much more delayed than I had hoped it would be, then I will join them in offering an amendment that will have a definite date by which 100 percent scanning should occur. It is for that reason that our committee did not include this section. We talked about it and decided not to include it—as it was in the House bill, because we think existing law does at least as good, and perhaps a better job. I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I know the time is divided equally. How much time does each side have?

The PRESIDING OFFICER. The Senator from New York has 16 minutes. The Senator from Connecticut has 7 minutes 21 seconds.

Mr. SCHUMER. Madam President, I have a great deal of respect for my colleague, and I know he cares a great deal about protecting our country. But with all due respect, I cannot stand here and say that the SAFE Port Act does enough. The SAFE Port Act says that 100 percent scanning must be imposed ''as soon as possible.'' It might as well say whenever DHS feels like it.

For somebody like myself and my colleague from New Jersey and my colleague from New York, we have been waiting for DHS to do this ''as soon as possible'' for 4 years. We have been alerting DHS to this terrible potential tragedy we face—a nuclear weapon being smuggled into our harbors, a nuclear weapon exploding on a ship right off our harbors—for years. DHS just slow-walks it. Why?

Part of the reason is that they are never adequately funded, which is no fault of my colleague from Connecticut. But the administration does not like to spend money on anything domestic. They never put the adequate money into it. It is amazing to me that they will spend everything it takes to fight a war on terror overseas. Some of that is well spent and some, I argue, is not. Nonetheless, they spend it. They won't spend hardly a nickel, figuratively speaking, to protect us on defense at home. So the progress has been slow.

This is not the first time I have offered amendments to prod DHS to do more on nuclear detection devices, on port security. I don't know why anyone in this Chamber, faced with the potential tragedy that we have, would decide

to leave it up to DHS. But that is just what this base bill does. I don't know what people are afraid of. Yes, we have people with shipping interests who say don't do this, it will cost a little bit more. Terrorism costs all of us more. To allow a narrow band of shippers to prevail on an issue that affects our security is beyond me.

Is the technology available? I will be honest with you that there is a dispute. Either way, the amendment the Senator from New Jersey and I have introduced makes sense. If it is available, they will implement it. If it is not available, they will perfect it and get it working because they have a deadline. Nothing will concentrate the mind of DHS like a deadline. But vague, amorphous language that says ''as soon as possible''—their view of ''as soon as possible'' is not enough to safeguard America.

Very few things that we do in the Senate frustrate me more than this. Why don't we force DHS and force the administration to make us safe against arguably the greatest disaster that could befall us—one that we know al-Qaida and other terrorists would like to pursue? Why do we allow laxity, just obliviousness, and a narrow special interest to prevail over what seems to be so much the common good?

I am aghast. This amendment should not even be debated by now. Maybe in 2003, maybe in 2004. But it is now 2007, and we are still not doing close to what we should be doing. Just last night, I spoke to an expert who said the technology is there. If there is a will, there is a way. Again, I say if you believe the technology isn't there, the answer isn't to let DHS proceed at the same lackadaisical pace, when one of the greatest dangers that could befall us could happen.

My colleagues, nobody wants to wake up in a ''what if'' scenario. After 9/11 occurred, we were all ''what-ifing''—what if we had done this or what if we had done that. It was hard before that because nobody envisioned that somebody would fly a whole bunch of airplanes into our buildings. We know the terrorists want to explode a nuclear device in America or off our shores. That is not a secret. I argue that that is as great a danger to us as is what is happening in Iraq. Will my colleagues say we should not spend all the money when it comes to fighting a war on terror overseas? Of course not.

The other side of the aisle says spend every nickel we need. Here, when it comes to homeland security, they are either defending an administration that has botched this issue like they botched so many others or because maybe some shipping interests complain or because they truly believe the technology is not available, and we continue to slow-walk this issue.

I will have more to say in a few minutes. I will yield the floor so my colleague from Maine and my colleague from New Jersey can have a chance to speak.

I ask unanimous consent that the remainder of my time be reserved.

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

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Very briefly, the Senator from New York has spoken passionately. I agree with everything he said about the urgency of the threat and the need to protect our people from weapons of mass destruction, which may arrive in containers. But I want to come back to what I said for a few moments. There is existing law that sets up a process that compels the Secretary of Homeland Security to achieve 100 percent cargo scanning as soon as possible, based on the outcome of the three port pilot projects that are occurring this year.

My friend from New York has said that ''as soon as possible'' could be whenever the Department of Homeland Security wants, that they have been doing nothing for the 5½ years since 9/11. However, this law, the SAFE Ports Act, just became law last October 13, 2006. So the pilot programs at the three ports have just started in the last 5 months.

At the end of the year, the Secretary will make a report to Congress about how those pilots are going. Again, he is required by the law to state to the appropriate Congressional committees in April of next year, and every 6 months thereafter, the status of full-scale deployment under subsection (b), which is basically saying how soon can we get to exactly what Senators SCHUMER, MENENDEZ, COLLINS, and I and I presume everybody—wants, which is 100 percent cargo container scanning.

So, again, we think we have a mechanism. We share the same goal. If for some reason after the first 6 month report, or the second one, we are dissatisfied with the pace of implementation by the Secretary, I am sure we will all join to set a deadline. For now, the committee has decided that it is not necessary.

Mr. SCHUMER. Will my colleague yield for a question on my time?

Mr. LIEBERMAN. Certainly.

Mr. SCHUMER. Again, I have great respect for my colleague and all he has done in homeland security. But I don't get the argument. My colleague just said they will report to us, and if we are not satisfied we can later impose a deadline. Given the urgency, why not do it the other way? Put in a deadline, and if 2 years from now they say they cannot do it, they will come back to us and we can remove the deadline. It seems to me that would get them to act more quickly than the approach my colleague has suggested.

I yield for an answer.

Mr. LIEBERMAN. I thank my friend from New York. Of course, I send back the same respect to him, truly, coming from New York, particularly after 9/11, he has been an effective advocate for homeland security. My answer is this: Maybe history will show me to be an unjustified optimist. I hope ''as soon as possible,'' as stated in the law, means that we should have 100 percent scanning sooner than 5 years. I will not have a real sense of that until we get the first 6 month report, or maybe the second. So to me, again, it is the judgment of the committee to not include the House-passed provision, not recommended by the 9/11 Commission, and to give the system time to work.

Mr. SCHUMER. I yield 5 minutes of our remaining time to my colleague and fellow sponsor, Senator MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I appreciate the leadership and advocacy of my colleague from New York to work with us on this issue. Look, the question is, On what side do we err? It seems to me we should err on the side of having a deadline that moves the Department of Homeland Security and us as a nation toward having the greatest possibility of security in a post-September 11 world.

If this was pre-September 11 and we were arguing that a conventional means of transportation—in this case a cargo ship—could, in fact, be used as a weapon of mass destruction and we hadn't had that experience, I could see the skepticism. But the reality is we are in a post-September 11 world. Five years after we saw a traditional form of transportation be used as a weapon of mass destruction, as we saw a simple envelope be tainted ultimately and be used as a weapon against an individual, as we saw someone who boarded an aircraft and tried to ignite his shoes, the reality is it doesn't take a lot to be convinced you can take 95 percent of the cargo, which goes unscanned, comes into this country, and have a great shot of including something in there, particularly a nuclear device, that would cost us far more—far more—than what we are talking about proceeding on today. Three years for major ports, 5 years for other ports—that is too fast? Ten years after September 11, that is too fast? I can't comprehend it.

There are those who say we already have a risk-based approach, it is layered, it is whatnot. That is great if you trust algorithms to ultimately protect the Nation. I don't trust algorithms to ultimately protect the Nation. I want real scanning, and the technology is there. It seems to me if Hong Kong can do it and other places in the world can do it, we can expect it as well.

There is also the suggestion of cost. How much did we spend after September 11? How much will we spend in lives and national treasure if we make a mistake by not ensuring that the traffic that comes into the ports of this country is as secure as it can be? And who among us is willing to look at the sons and daughters of those who work on the docks or the communities that surround these ports—most were built in a way where communities surround them—and what will we do about the

national economy, because it won't be just a regional economy that will be affected but a ripple effect in the national economy? How much will we spend? Far more. The lives that will be lost are incalculable and priceless.

I argue that, in fact, what we saw in the SAFE Port Act got the Department to act because they, in essence, had a deadline. So when we have deadlines, we see the Department acting. In my mind, all the more reason to have what I think is a very reasonable deadline—3 years for major ports, 5 years on all other ports, and even with the ability to extend beyond that by virtue of the Secretary making a determination. That moves the Department to understanding where we want to be.

But ultimately, I don't believe the present risk-based approach that lets 95 percent of all the cargo coming into this country go unscanned, that we depend on algorithms, that we use the costs supposedly to achieve 100-percent scanning is something that is acceptable.

The question is: How much greater will the costs be? Look at the costs we are incurring in aviation. They are enormous.

Then we won't be able to get host nations to agree: The reality is those host nations want access to the greatest market in the world, the United States of America. I cannot fathom that they won't do something that is necessary to try to get access to the greatest market in the world, the most prosperous market in the world. I think they will.

As someone who represents a State that lost 700 residents on September 11, I am not ready—I certainly am not ready—to take the position that we will do less than what we can do to achieve the security of our people. That is what this amendment is all about. It is structured in a reasonable way.

We have seen deadlines generate the Department of Homeland Security activity we want to see. We give time frames that are reasonable, technology that is available. We have incentives for all the right reasons for the marketplace and, above all, we can look at our citizens and say, in fact, they are protected.

I yield any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Madam President, I yield such time to the Senator from Maine as she desires of the time I have remaining.

The PRESIDING OFFICER. The Senator has 8 minutes 5 seconds remaining.

The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I thank the chairman of the committee for yielding time to me.

You can read the entire 567 pages of the ''9/11 Commission Report'' as I have and you will not find a recommendation to undertake 100-percent scanning of cargo containers. This bill's purpose—the bill before us—is to finish the business of implementing the 9/11 Commission Report recommendations. Senator SCHUMER's and Senator MENENDEZ's amendment is not one of the recommendations of the 9/11 Commission.

Further, I want to address what has been said about our system for improving the security of our seaports by focusing on cargo container security.

The fact is a great deal has been done since the attacks on our country on September 11, 2001. We have a layered approach to cargo security. It balances security interests against the need for efficient movement of millions of containers through our seaports each year—11 million, in fact, last year alone.

One layer is the screening of all cargo manifests at least 24 hours before the cargo is loaded onto ships bound for our shores. That screening, along with work done by the Coast Guard, is used in DHS's automated targeting system which identifies high-risk containers.

As a result of the cargo security bill that we passed last fall, we have a requirement that 100 percent of all high-risk cargo be subjected to scanning and that is appropriate. We want to focus our resources on the cargo that is of highest risk. But that is only one layer in the process.

Another layer is the Container Security Initiative. This program stations Customs and Border Protection officers at foreign ports. CSI will be operational in 58 foreign ports by the end of this year, covering approximately 85 percent of all containerized cargo headed to the United States by sea. That is another layer of security.

There is yet another one. It is the Customs-Trade Partnership Against Terrorism Program, known as C-TPAT. This program is a cooperative effort between the Government and the private sector to secure the entire supply chain. It is a result of the legislation Senator MURRAY, Senator COLEMAN, Senator LIEBERMAN, and I authored last year.

Firms that participate in C-TPAT and secure their supply chain are given certain advantages when it comes to scanning cargo because DHS will have certified that they have met certain standards. That is an important layer of security.

There is another important safeguard that is a result of the SAFE Port Act, and that is the law requires by the end of this year that the 22 largest American ports must have radiation scanners which will ensure that 98 percent—98 percent—of inbound containers are scanned for radiation. That is because we do have the technology to do scanning for radiation. We have these radiation portal monitors that trucks can drive through with the containers loaded on them and be scanned for radiation. There is a problem with some false positives. I was describing earlier that for some reason, marble and kitty litter tend to cause false positives. But at least we identify these containers that are giving off alarms, and then they are subject to further inspection and search, and that makes sense.

I should mention we are also installing these overseas as part of the Department of Energy's Megaports Initiative.

The idea that nothing has been done to secure our seaports since 9/11 is demonstrably false. We took a giant step forward last year with the passage of the SAFE Port Act.

There is more that is being done, however, and that is, as Senator LIEBERMAN and Senator COLEMAN have explained, the new law authorizes pilot programs to test 100-percent integrated scanning programs.

We keep hearing Hong Kong brought up, but the fact is, in Hong Kong, there is scanning being done on only 2 of 40 lines, and the images are not being read. What good is it to take the picture, the X-ray, essentially, but then not have anyone analyzing the images? How does that increase security?

We still will learn something from the Hong Kong project, but I think we are going to learn even more from the three projects the Department has started already as a result of the SAFE Port Act.

There have been allegations that somehow the Department is sitting on its hands. That is not true. In fact, three ports—one in the United Kingdom, one in Honduras, and one in Pakistan—have been selected already and the projects are going forward to test these pilot programs. I think that is important to know.

So we have made a great deal of progress. We are going to make more as a result of these pilot projects. But the whole point is until we have the technology in place to do this effectively and efficiently, it will cause a massive backup in our ports if we are trying to scan 11 million containers—low-risk containers, containers that pose absolutely no threat to the security of this country—and that approach does not make sense.

Finally, let me read something from the Chamber of Commerce which has sent around an alert on this issue because I think this summarizes the issue:

> The Chamber points out that more than 11 million containers arrive at our Nation's seaports each year and 95 percent of our Nation's trade flows through our seaports.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. COLLINS. Madam President, I ask unanimous consent that I be given 45 additional seconds.

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

Ms. COLLINS. I continuing quoting the Chamber of Commerce:

> If adopted, the Schumer amendment would significantly disrupt the flow of trade and impose costly mandates on American businesses without providing additional security.

That is the bottom line. I urge the rejection of the Schumer amendment, and when the time has expired, I will move to table the amendment.

Mr. SCHUMER. Madam President, what is the status of the time?

The PRESIDING OFFICER. The Senator from New York is recognized. There is 3 minutes 1 second remaining.

Mr. SCHUMER. Madam President, first, I thank my colleague from Maine for helping make our case. She says the technology for detecting radiation is available. Who in God's name thinks if we didn't set a deadline or if the President didn't order DHS to make it the highest priority that we wouldn't find a way to scan all containers within 5 years? Of course we would. This is just defense of DHS. I say to my colleagues, DHS has a terrible track record in this area, like so many others. They have been asked to do this for years already, and they are nowhere.

Now, my good friend from Connecticut says: Well, on October 13, we passed legislation. Well, that is 3 years after 9/11. What is wrong, my colleagues? Why isn't everything right with a deadline that says you better move as quickly as you can? Yes, if they should need, if they come to us 3 years from now and we are convinced that they have done everything they can, that the money has been spent, that the experts have been contacted and used appropriately, then we can delay it. Instead, we have this approach which seems to me to be backward—let us delay another 2 or 3 years, and if they do not do a good job, we can then put in a deadline.

No one is arguing we shouldn't have deadlines. The argument boils down to, do you trust DHS to do the job or would you rather have an immutable deadline on something which is the most damaging thing? I can't think of anything worse or close to it than a nuclear weapon exploding in America or off our shores. The technology is there, my colleagues. Yes, DHS doesn't want to spend the money necessary. Yes, DHS has not had very good people in this Department.

How are my colleagues going to go home and tell their constituents that when there was a chance to really move an agency and set a deadline, as the House did—this is not some crazy idea; the House voted by a significant majority for it—that they didn't do it, they didn't do it because they had faith in DHS? I don't know who does. How do my colleagues say they didn't do it because their port or a shipping company said they didn't want to do it or they didn't do it because they didn't think it was that big a problem? I don't think any of those reasons stand up. I don't think any of them stand up.

I have to say I have listened carefully to my colleagues, and I have great respect for them and the jobs they do, but their arguments just don't wash: Let's give them another chance. My colleagues, when it comes to this problem, we can't afford to give them another chance.

I urge a vote for the amendment.

Madam President, I ask unanimous consent that Senators KENNEDY, LAUTENBERG, and BIDEN be added as cosponsors.

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

The time of the Senator from New York has expired. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, has all time expired?

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Ms. COLLINS. Madam President, I yield back the remainder of my time.

Madam President, I move to table the Schumer amendment, and I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''yea.''

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

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—58

Akaka	Cornyn	Lugar
Alexander	Craig	Martinez
Allard	DeMint	McConnell
Bennett	Dole	Murkowski
Bingaman	Domenici	Murray
Bond	Ensign	Nelson (NE)
Brown	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Byrd	Hagel	Snowe
Cantwell	Hatch	Stevens
Carper	Hutchison	Sununu
Chambliss	Inhofe	Thomas
Coburn	Inouye	Thune
Cochran	Isakson	Voinovich
Coleman	Kyl	Warner
Collins	Landrieu	Wyden
Conrad	Lieberman	
Corker	Lott	

NAYS—38

Baucus	Kennedy	Pryor
Bayh	Kerry	Reed
Biden	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Cardin	Lautenberg	Salazar
Casey	Leahy	Sanders
Clinton	Levin	Schumer
Dodd	Lincoln	Specter
Dorgan	McCaskill	Stabenow
Durbin	Menendez	Tester
Feingold	Mikulski	Webb
Feinstein	Nelson (FL)	Whitehouse
Harkin	Obama	

NOT VOTING—4

Crapo	McCain
Johnson	Vitter

The motion was agreed to.

Ms. COLLINS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, more than 11 million cargo containers enter the United States each year. One hundred percent of the shipping manifests are screened to determine their risk. Approximately 17 to 19 percent of those containers determined to be high risk are examined by screening machines using xray or gamma ray technology, and only 5 percent of containers are physically opened and examined. This is not satisfactory. Clearly, much more needs to be done to increase the number of containers that are screened prior to entering this country. Only a more robust system will provide the deterrence necessary to make America safer.

I have been a leader in the effort to provide additional funding to purchase screening equipment and hire the personnel to perform these inspections. Nevertheless, I voted to table the amendment of the Senator from New York, Mr. SCHUMER. I believe we must set realistic goals. There is a process which has been set in place by the SAFE Port Act to get us to the ability to conduct 100 percent inspections. I will continue to do all in my power to provide the funds to ensure that we reach an achievable goal as rapidly as possible.

The PRESIDING OFFICER. The Senator from Texas.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 734 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LIEBERMAN. Mr. President, I note the presence of a friend and colleague from Hawaii, a distinguished member of our Homeland Security Committee. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business on the REAL ID Act, and I thank the chairman for his agreement.

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

Mr. AKAKA. Mr. President, today the Department of Homeland Security released its much anticipated proposed

regulations implementing the REAL ID Act of 2005. Although I am still reviewing the 162 pages of regulations, I note that the regulations address the problems with the statutory May 11, 2008, deadline for compliance. However, the regulations remain troublesome because they reflect the problems of the underlying statute.

I intend to ensure that these problems are resolved, which is why I reintroduced the Identity Security Enhancement Act, S. 717, to repeal REAL ID and replace it with the negotiated rulemaking process and the more reasonable guidelines established in the Intelligence Reform and Terrorism Prevention Act of 2004.

I am pleased to be joined ''by Senators SUNUNU, LEAHY, and TESTER. I also thank Senator COLLINS for her work on this issue.

From its inception, REAL ID has been surrounded in controversy and subject to criticism from both ends of the political spectrum. The act places a significant unfunded mandate on States and is a serious threat to privacy and civil liberties.

I support the goal of making our identification cards and driver's licenses more secure, as recommended by the 9/11 Commission. However, the massive amounts of personal information that would be stored in interconnected databases, as well as on the card, could provide one-stop shopping for identity thieves. As a result, REAL ID could make us less secure by giving us a false sense of security.

Nearly half of our Nation's State legislatures—22—have acted to introduce or to pass legislation to condemn REAL ID since the beginning of the year. In some cases, States would be prohibited from spending money to implement the act. Two bills have been introduced in the Hawaii State legislature, one supporting the repeal of REAL ID and the other supporting passage of my legislation.

As I noted earlier, DHS has acknowledged the implementation problems and the need to help address the burdens on States. Secretary Chertoff announced today that States could easily apply for a waiver from the compliance deadline and could use up to 20 percent of the State's Homeland Security Grant Program, SHSGP, funds to pay for REAL ID implementation. But this is a hollow solution. The President's fiscal year 2008 budget proposes to cut SHSGP by $835 million. I fail to see how States are able to implement an $11 billion program with Federal homeland security grants that the Bush administration continues to cut.

Moreover, the regulations proposed today fail to address several of the most critical privacy and civil liberties issues raised by REAL ID, which essentially creates a national ID. No hearings were held on REAL ID when it was passed as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act in 2005. I think this is part of the problem and is where I hope to bring forth a solution.

As chairman of the Subcommittee on Oversight of Government Management, I plan to hold hearings in the near future to review the proposed regulations and how DHS plans to implement this costly and controversial law. Unfunded mandates and the lack of privacy and security requirements are real problems that deserve real consideration and real solutions. Congress has a responsibility to ensure that driver's licenses and ID cards issued in the United States are affordable, practical, and secure—both from would-be terrorists and identity thieves.

I look forward to working with my colleagues—Senators SUNUNU, LEAHY, TESTER, COLLINS and others—to address the real problems with REAL ID.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to talk as in morning business.

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

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

Mr. GRASSLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DEMINT. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Salazar amendment is the pending amendment before the Senate.

AMENDMENT NO. 314 TO AMENDMENT NO. 275

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside and I be allowed to offer an amendment, which I am sending to the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 314 to amendment No. 275.

The amendment is as follows:

(Purpose: To strike the provision that revises the personnel management practices of the Transportation Security Administration)

On page 215, strike line 6 and all that follows through page 219, line 7.

AMENDMENT NO. 315 TO AMENDMENT NO. 275

Mr. LIEBERMAN. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 315 to Amendment No. 275.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide appeal rights and employee engagement mechanisms for passenger and property screeners)

In the language proposed to be stricken:

On page 215, strike line 22 and all that follows through page 219, line 7, and insert the following:

SEC. ____. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place such appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '', or section 111(d) of the Aviation and Transportation Security Act,'' after ''this Act''.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

AMENDMENT NO. 316 TO AMENDMENT NO. 315

Mrs. MCCASKILL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL] proposes an amendment numbered 316 to amendment No. 315.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide appeal rights and employee engagement mechanisms for passenger and property screeners)

In the Amendment strike all after ''**SEC.**'' on page 1, line 3 and insert the following:

APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place such appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '', or section 111(d) of the Aviation and Transportation Security Act,'' after ''this Act''.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This section shall take effect one day after date of enactment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 314

Mr. DEMINT. Mr. President, I thank the managers for their hard work. They sincerely want to strengthen homeland security and want to keep this bill focused on that goal and not allow it to be tangled up in partisan issues. That is my goal, too. That is why I am offering this amendment today.

The provision in this bill, found on page 215, that reverses a critical homeland security policy and introduces collective bargaining for airport screeners who work at the Transportation Security Administration, or what we call the TSA, has nothing to do with improving our homeland security. It was certainly not recommended by the 9/11 Commission. My amendment would strike this provision so TSA can continue to protect us from another terrorist attack.

It may be helpful to review the history of this debate so my colleagues understand how we got here. Just 5 years ago, Congress voted in favor of a flexible personnel management system at TSA in recognition that special flexibility is necessary to protect American passengers from terrorists. This system allows security screeners to join a union, but it doesn't tie the hands of TSA when it comes to managing its workforce and protecting the American people.

Collective bargaining, however, would allow labor unions to stand between TSA and its employees in ways that would make the agency less flexible and less nimble and create an operational and security disaster. Mr. President, collective bargaining has been a topic of discussion since TSA's inception. It is important that my colleagues know that it has been evaluated and rejected in every instance as something that would be harmful to our safety.

First, in 2001, collective bargaining was not included in the Aviation and Transportation Security Act when TSA was first created.

Second, in 2003, collective bargaining was rejected by the TSA Administrator for security reasons.

Third, in 2004, collective bargaining was not recommended by the 9/11 Commission.

I need to repeat that because it is important. This whole bill is designed to fulfill the recommendations of the 9/11 Commission, and they did not mention anything about collective bargaining.

Finally, the decision against collective bargaining at TSA has been upheld by multiple Federal and labor relations courts between 2002 and 2006.

Now I will outline six of the negative security consequences of this dramatic change in policy. First, TSA currently uses a security strategy as recommended by the 9/11 Commission that is based on flexible, random, and unpredictable methods. This approach keeps would-be attackers off guard.

Under collective bargaining, TSA will have to negotiate a predetermined framework within which the agency will be required to operate. This policy was not recommended in the 9/11 Commission Report, and it goes directly against the Commission's recommendations. This will weaken our security.

Second, TSA currently establishes security protocols on a national and international basis without having to bargain in advance over the impact of these protocols.

Under collective bargaining, TSA will be required to negotiate on every security protocol with multiple unions on an airport-by-airport basis. At its worst, this could stop many critical new security protocols, but even at its best it will slow them down. This will weaken our security.

Third, TSA currently shifts resources in real time without having to inform any entity. Under collective bargaining, redeployment decisions will be subject to binding arbitration review by a third party who has no Government or security experience but has authority to reverse TSA security decisions.

As my colleagues know, arbitration can take months or even years to resolve. This will weaken our security.

Fourth, TSA currently moves, upgrades, replaces, and repositions equipment to stay in tune with operational requirements. Under collective bargaining, equipment deployment will be subject to a 60- to 180-day negotiation process. All information, including standard operating procedures and tactics, will also be subject to union negotiation. This will weaken our security.

Fifth, TSA currently protects sensitive security information, such as the security resources at a particular site, and releases this information only to those who need to know.

Under collective bargaining, TSA will be required to disclose security information to third party negotiators and arbitrators, increasing the risk of unauthorized information release. This will weaken our security.

Sixth, and finally, TSA currently deploys many innovative security programs within weeks. Under collective bargaining, new positions and promotions will all be subject to months, or years, of impact in implementation.

TSA provided just-in-time explosive training to more than 38,000 security screeners in less than 3 weeks in November of 2005. Under collective bargaining, training is subject to negotiation on the need, design, order of training delivered, and method of delivery. This process could add 60 to 180 days to security training programs and weaken our security.

I know my colleagues understand the need for TSA to be able to move quickly, so I want to make sure everyone knows how slow and how cumbersome collective bargaining will be. Let's please keep in mind as we look at this situation the whole purpose of TSA is to protect our country. That is their first priority. We cannot allow the unionization and union requirements to preempt this first priority of TSA.

Today, TSA—and I know this is very difficult to read—can implement its changes in 1 day or less, and we will talk about some of those examples. But under collective bargaining, it can take up to 568 days to work out the negotiations and possible litigation that could occur when they are trying to establish new protocols. This is not acceptable when it comes to protecting our country.

If we introduce collective bargaining at TSA as proposed in this bill, changes could take, as I said, up to 568 days. My colleagues can see a collective bargaining process starts with up to 14 days of advance notice, up to 14 days for the union to decide how they are going to negotiate, plus up to 180 days to negotiate, and followed by 7 days to implement.

This whole process does not fit with national security interests. I hope my colleagues agree that this is too long and too cumbersome to subject our Nation's security to.

I wish to share with my colleagues several real-world examples of how TSA has been able to rapidly respond to security threats. I will point the attention of my colleagues to the United Kingdom bomb plot, of which we are all aware, last August in 2006. On August 10 of last year, information about one of the most spectacular terrorist plots since 9/11 was shared with TSA. TSA worked very quickly to develop a plan that would, over the course of 12 hours, ban all liquids beyond the security checkpoint and enact the quickest changes to the prohibited items list in history. It was simply the most drastic change airport security had ever undergone, and it happened in less than 6 hours from the time the arrest of the alleged terrorists was revealed.

I understand one of my colleagues has offered an amendment that would undercut the whole idea of this bill and force TSA to prove it is an emergency or an imminent threat in order to take the action we did when this plot was revealed.

What will TSA have to go through to prove there is an emergency? What kind of court case, what kind of litigation, what kind of hearings in Congress will they have to go through to prove it is an emergency? This attempt to gut this bill makes it worse than the underlying bill because it subjects our security to constant litigation and second-guessing.

The success of this operation—this United Kingdom bomb plot—was based on a number of factors, including a nimble and professional workforce who is highly trained and rewarded for their performance: an ability to change procedures within hours, expertise in dealing with the public to educate, inform, and help them handle the changes, and a commitment to security in the face of emerging threats. This is a clear example of why we should not tie TSA's hands and prevent it from accomplishing its security mission.

Another example of how TSA has been able to react quickly happened last July, when Lebanon erupted into violence and fighting broke out, leaving thousands of Americans trapped in between the warring factions. The Government of the United States safely evacuated these Americans and thousands of other refugees.

From July 22 to July 31, TSA officers helped to secure 58 chartered flights from Cypress to the United States and screened over 11,000 passengers. The overseas and domestic deployment was the first of its kind, and it demonstrated TSA's ability to use its flexible structure to appropriately respond to both domestic and overseas needs.

TSA delivered on its security mission and ensured the security of arriving airplanes and passengers. The mission was designed, executed, and people were being screened overseas within 96 hours, which is remarkable for a Government agency that had never deployed overseas and had not envisioned a need to do so.

It is important for us to remember at this point the amendment that has been offered to change my amendment would likely have resulted by now with TSA being in court, being challenged as to whether the situation in Lebanon was an imminent threat to our country, which is the language of the amendment that has been offered to change this bill.

We cannot water down our Nation's security by allowing TSA to have to follow collective bargaining rules or, which has been proposed, prove it is an emergency or an imminent threat. This would create a heyday for lawyers.

If these operations had been subject to arbitration and review required by collective bargaining, changes in deployments of personnel would have required notification on TSA's management to the collective bargaining unit, followed by a response accepting the changes in employment conditions or proposing modifications. This process would have created time-consuming rounds of negotiation, even using an expedited process.

TSA's response to the United Kingdom terrorist plot was developed in 12 hours, and the screeners were deployed to Lebanon and Cypress within 96 hours, response times that would have been significantly delayed by days and weeks, if not made impossible, had the notification and negotiation requirements in this bill been in effect. We cannot allow that to happen to our Nation's security.

I would now like to outline three ways collective bargaining will negatively affect workforce performance.

First, TSA currently uses a paid-for performance system that is based on technical competence, readiness for duty, and operational performance. Top security screeners receive a 5-percent base pay increase on top of a 2.1-percent cost-of-living adjustment and a $3,000 bonus.

Under collective bargaining, this paid-for performance system will be replaced with a pass-fail system based heavily on seniority that will not adequately assess technical skills. The collective bargaining system will not reward screening performance or good customer service, and it will reduce standards. This will weaken workforce performance.

Second, TSA can also currently remove ineffective security screeners within 72 hours. Imagine that: The frontline security of our country can identify someone who is not doing their job and remove them so our country and the airline passengers can be safe.

Under collective bargaining, however, arbitration proceedings will retain substandard employees for months, preventing the hiring of replacement officers. This process could take 90 to 240 days and will reduce overall workforce performance. This will weaken workforce performance.

Third, TSA currently uses multiple screening disciplines, adding interlocking layers of security. Under collective bargaining, employees will be able to refuse multidisciplinary jobs resulting in fewer resources to serve passenger checkpoints. This will weaken workforce performance.

My colleagues should know exactly how this weakened workforce performance affects air travelers in our country, and we can have a good look at how that is going to affect us by looking at Canada. A recent incident in Canada provides a great example.

Canada's air security system does not have the flexibility that TSA enjoys. Last Thanksgiving, as part of a labor dispute, passenger luggage was not properly screened and sometimes not screened at all as airport screeners engaged in a work-to-rule campaign, as they called it, creating long lines at the Toronto airport.

A government report found that to clear the lines, about 250,000 passengers were rushed through with minimal or

no screening whatsoever. One Canadian security expert was quoted as saying that if terrorists had known that in those 3 days their baggage wasn't going to be searched, that would have been bad. That is an understatement of the year. We cannot afford to have this kind of union-sponsored disruption at our airports. The Canadian union's airport security was not allowed to strike either, but we can see what they did in order to disrupt the proper screening of baggage there. This would happen in our country as well.

I think it is also important that people know how collective bargaining will impact passenger service. I know that for most Americans, security is the No. 1 goal when it comes to air travel, but they also want security operations to be efficient and not needlessly disrupt their schedules.

I know my colleagues would be pleased to know that TSA has managed the growth of passenger travel and kept average peak wait times to less than 12 minutes. Under collective bargaining, TSA will have to pull at least 3,500 screeners, or 8 percent of the total workforce, off a line to fulfill the needs of the new labor-management infrastructure. This would close at least 250 screening lanes, causing longer lines at checkpoints.

Under these circumstances, average wait times would increase from 12 minutes at peak to more than 30 minutes. This is something that will be very unpopular, especially given the fact that these longer wait lines come with less security.

TSA is also currently capable of relocating security screeners to enable on-time aircraft departures. Under collective bargaining, negotiating job stations and functions will result in poor staffing, leading to longer lines, late flight departures, and other adverse industry impacts. Americans want to make their flights, and they will not support needless delays that come at the expense of their security.

I think it is also important that my colleagues understand what I am talking about and how it could play out in real terms.

During Hurricane Katrina, TSA deployed security officers from around the country to New Orleans to screen evacuees during the aftermath of the storm. This response allowed them to evacuate 22,000 men, women, and children through the airport safely and securely. Several weeks later, TSA responded the same in response to Hurricane Rita in Houston. Security screeners left their home airports with little notice to fly to Houston to help those in need.

Another example of how TSA has been able to react quickly to weather-related events occurred this past December when a big snowstorm hit Denver. Because local TSA employees were unable to get to the airport, TSA responded quickly by deploying 55 officers from Las Vegas, Salt Lake City, and Colorado Springs to Denver. The deployment allowed TSA to open every security lane around the clock at the airport until they were back to normal operations.

Should we force TSA to prove this was an imminent danger or an emergency before they respond to the needs of the American people? That is what the second-degree amendment is intended to do. We cannot allow that. That will weaken our security.

These operations have been subject to arbitration review required by collective bargaining. Changes in deployment of personnel would have required notification by TSA management to the collective bargaining unit, followed by a response accepting the changes in employment conditions or proposing modifications. This process would have created time-consuming rounds of negotiations, even using an expedited process. Americans do not want needless bureaucracy in our airports, especially when it comes at the expense of our safety.

I also want my colleagues to understand the amount of money collective bargaining is going to cost and how it will impact TSA's operation in air travel security.

The first year startup costs of creating a collective bargaining infrastructure is conservatively estimated at $160 million, forcing TSA to relocate thousands of screeners currently working on aviation security. Since there is no money allocated for this change, this mandate would force TSA to pull 3,500 transportation security officers, or 8 percent of the total workforce, off the checkpoints.

These officers equate to 250 of the 2,054 active screening lanes across the Nation at any given time, closing 250 lanes. This impact is equivalent to closing all the checkpoint screening lanes in Chicago, Los Angeles, Boston, and New York. This impact is the equivalent of closing all screening operations across the system 1 day every week. This impact would result in failing to screen 300,000 passengers every day.

Some may say we should increase spending for TSA by $160 million. But if we have this money, why use it to pay for redtape? Let's use it for security.

I also want to address some of the objections to TSA's flexible management. First, those who want collective bargaining at TSA say they want screeners to be treated as every other Federal employee. That would be fine, except for the fact they are not like every other Federal employee. They have a mission to protect the American people, and collective bargaining will prevent them from accomplishing this mission.

Second, those who want collective bargaining at TSA say it will lead to lower attrition and, therefore, more safety. Collective bargaining may lead to lower rates of attrition, but it will not lead to more security.

I am sure there are security screeners who would like to be guaranteed lifetime employment, but that would prohibit TSA from keeping America safe. TSA currently has the ability to reward screeners based on their performance and to remove those screeners who are not performing. That is what ensures safety, not a workforce that is rewarded for seniority and is not accountable.

We have also heard the supporters of collective bargaining at TSA say it is working at Customs and border control. First, I take issue with the claim it is working with Customs or working at our borders. Our Customs agency has experienced numerous delays and complications in securing our borders that have been caused by collective bargaining. I think our Customs agency and border security should have the same flexibility TSA enjoys, and it is a debate we should have as we look at ways to better secure our borders.

Let's make sure we understand what we are saying. Advocates of collective bargaining for airport security are saying our border security has worked well. It is hard to look at 10 to 12 million illegal aliens in our country and say our border security is working well. It is not working well.

We are also hearing increasingly from all over the world that our customs process is among the worst in the world. Our tourism is down and our business visits are down because we are making it harder and harder for people from around the world to get into our country. Our customs system doesn't work and neither does our border security.

The supporters of collective bargaining at TSA also believe our screeners are lacking important protections to address their grievances. I hope my colleagues know TSA has given screeners the ability to have their whistleblower complaints reviewed by the Office of the Independent Counsel, even though it is not required in law. Critics also claim screeners do not have the ability to appeal adverse actions against them, such as suspensions and terminations, through the Merit System Protection Board. This is true, but TSA has created its own disciplinary review board that provides workers with relief faster than the Merit System Protection Board.

I want my colleagues to understand what all of this means for unions, because I am afraid that is what this policy is all about. Unionizing the 48,000 workers at TSA will give labor unions a $17 million annual windfall in dues from these new union workers. Let me share a quote. For my colleagues who doubt this policy is being driven by unions, I want them to hear what was said earlier this week by two leaders of the American Federation of Government Employees, which is affiliated with the AFL–CIO. They said:

> We must gain 40,000 new members a year to break even today. But because of the age of our members and pending retirements, that number will grow to 50,000 in 2 years and probably 60,000 a few years after that.

An additional comment:

This campaign is the perfect opportunity to convince TSA employees to join our union and become activist volunteers in our one great union.

The purpose of TSA is not to create activist volunteers for unions. It is to protect our country. Again, I need to remind my colleagues the top priority of Homeland Security and TSA is to protect Americans.

I conclude by saying this is a very serious issue, and I encourage all my colleagues to think about it carefully. We all want workers to have better benefits, but that is not what this debate is about. TSA offers great benefits and important protections to its workforce. This debate is about how to keep our country safe, and we cannot tie TSA up in knots of redtape.

I understand the unions want this new policy because it will add thousands of new dues-paying members to their rolls, but they are going to have to live without it in order to keep our country safe. This bill is about doing things that will prevent another 9/11 attack. Adding an earmark for labor unions that prevents TSA from doing its job is the last thing we should do.

I realize the Senator from Connecticut feels strongly about this issue, and I know I probably haven't changed his mind. Unionizing the Federal workforce is something that is very important to him, and it is something he has worked on for many years, most notably when Congress created the new Department of Homeland Security in 2002. I also realize the majority leader has impressed upon the Senators on the other side of the aisle to stick together in supporting this destructive policy. This is very disappointing, because it shows the majority may be more interested in having a political showdown than they are in strengthening our security.

The President has issued a veto threat on this bill if it creates collective bargaining at TSA, and there are enough Senators to sustain it. That leaves us with two options: We can remove this misguided position and preserve the bill or we can let the bill die. I simply ask my colleagues: Is this union earmark worth killing this bill for? I don't think so.

I think it is important to also note the second-degree amendment that is being offered to change my amendment is not supported by Homeland Security. In fact, they believe it will make this bill worse than it is right now.

My colleagues, I ask everyone to set aside the partisan politics, set aside special interests, and let us continue to improve TSA, our Transportation Security Agency. They have demonstrated that while there have been a lot of problems with starting up a new agency, each year they have gotten better. Each year their workforce has gotten better trained. Each year we are moving passengers through with less and less inconvenience and better and better security. This is not the time to turn back. This is not the time to play politics and payback with our security.

I encourage everyone to take a careful look at this amendment and I ask my colleagues to support it.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I have listened to the arguments of my colleague on the other side of the aisle, and I believe the amendment I have offered answers many of his concerns but also provides basic rights for our 40,000-some TSA officers across this country.

Let us first talk about what this amendment does that I have offered. It does three things, three simple things. First, it gives them whistleblower protection.

As somebody who has spent 8 years as an auditor, as someone who has spent a great deal of time figuring out where Government is doing its job well and not so well, I understand the importance of whistleblower protection. The best information you get as an auditor comes from the employees of the Government, and they all must be reassured, especially those working on the front line of security, that they will be protected if they tell things they see that need to be fixed. That is important.

Secondly, this bill gives them the right to appeal suspensions of 14 days or more to an independent board, as other Federal workers.

It also gives them the right to collectively bargain, like the Border Patrol, like the Capitol Police, like FEMA employees, and like Immigration and Customs Enforcement.

What does this amendment not do? It is important to understand the limitations in this amendment. First, it makes sure they do not have the right to strike.

Secondly, it prohibits them from bargaining for higher pay. They cannot bargain for higher pay. This is important, because my colleagues spent a great deal of time talking about safety. It explicitly states that no classified or sensitive intelligence can be divulged or released during any grievance process.

It goes further than the original legislation and the original amendment by saying the TSA Administrator or the Secretary of Homeland Security can take whatever actions necessary to carry out an agency mission during emergencies and whenever needed to address newly imminent threats. No questions asked. These employees have to follow orders. In any emergency, the director has the complete and immediate control over these workers. Let me emphasize that again. In any emergency the director, the administrator have complete control over anything these workers should do.

By the way, as an aside, having talked with and been around these screening officers many times as I move through the airports, I think it is a little insulting to them to act as if they would not respond when directed to an emergency. Americans across the board want to do what is right in times of crisis for our country. To indicate these Americans would not do what was asked of them in time of an emergency, and that they would try to rely on some kind of right under the law to not do what is necessary in an emergency, frankly, I think, is unfair to them.

What does collective bargaining get these workers? It provides a structure for quick and fair resolution of grievances and workplace disputes. It provides a forum to discuss health and safety issues, which will reduce the number of on-the-job injuries suffered by TSOs. It reduces the high TSO turnover rate.

Let's talk about that turnover rate. Talk about saving money. Think of the money we are investing in these officers that is wasted right now. We have a 23-percent annual turnover among these screening officers. Among the part-time officers, it is 50 percent. As somebody who has worried about the bottom line in a private business, that kind of turnover is completely unacceptable in terms of the costs.

Let's look at the safety issue. The experience we are losing by that kind of turnover—and I am not talking about people being dismissed for bad conduct or getting rid of bad screeners; I am talking about people who are leaving. That turnover rate, if you don't consider anything else, should tell my colleagues something is wrong. I believe what is wrong is they do not have the basic rights and protections other Federal workers have.

It increases public safety by allowing the TSOs to go through their union to expose threats to aviation security without fear of retaliation. It addresses procedures for emergency and security situations so workers are fully aware of their duties in the event of an emergency.

This is a good amendment for everyone. It puts these workers on equal footing with other Federal workers. It does not give them the right to strike. It does not give them the right to refuse to be deployed in case of an emergency. It does not allow them to negotiate for higher pay.

I was not a Senator at the time, but I understand that the Department of Homeland Security needed the flexibility to get up and running when the agency was first created years ago—5 years ago; more than 5 years ago.

But they are no longer processing 5,000 more screener applications per month in order to transition from a private force to a Federal force. We are no longer scrambling to create a Department of Homeland Security. We are now in a position to professionalize. We are now in a position to professionalize airport officers and give them basic worker protections and, as a result, we will have a seasoned staff and much better security.

My colleague mentioned the threatened veto. That is kind of hard to figure out. It is hard to imagine that the President would use a veto to veto legislation that is all about making our country safer, all of the provisions that this bill will contain, that will go directly to the heart of the matter of the safety of our Nation, that will do what the 9/11 Commission wanted. It is hard to imagine, because the President does not like unions, that he would threaten to veto this bill just because we want to give the same basic worker protections to the screeners at airports that the Border Patrol, the Capitol Police, and immigration officials currently have.

I cannot imagine that the President would veto under those circumstances. I can't imagine that the American public would think that is a good use of a veto pen. I can't imagine that some of our colleagues who think that unions are the enemy would use the collective bargaining rights—that are so limited in scope in this amendment—as an excuse to stop this concerted effort that we are all making to do what we must do to improve homeland security.

If we continue to treat our TSA officers different from their colleagues in the Border Patrol and their colleagues in homeland security, we will never have the seasoned and professional and experienced staff in place as part of our important effort to protect the Nation's transportation system and the people who live and work and care about the United States of America.

Mr. DEMINT. Will the Senator yield for a question?

Mrs. MCCASKILL. Sure.

Mr. DEMINT. I want to make sure I understand the provisions in the Senator's amendment. I know one of them is TSA, in order to act quickly and make changes rapidly, would need to establish that there is an emergency.

My question is, Would the ongoing global war on terror be considered an emergency?

Mrs. MCCASKILL. I do not believe declaring that we have a problem with terrorism worldwide, that is a status quo day in and day out, would be considered a day-to-day emergency. The examples you used, however, of Hurricane Katrina or the necessity to respond in Lebanon—I think those issues certainly would be issues that the professionals at TSA, the officers, would want to respond to quickly.

Mr. DEMINT. I know another criterion is that if they could establish that we have a newly imminent threat they could act quickly to respond and not go through the collective bargaining process. Would al-Qaida be considered a newly imminent threat?

Mrs. MCCASKILL. I understand the point my colleague is trying to make. I would say there are a whole lot of things that some are trying to put under the rubric of a continuing threat against America. There have been proposals to take away some basic constitutional rights. There have been proposals to change the way we view some of the rights and privileges that Americans have.

I think to say that these workers don't get the same benefits as the Border Patrol or Customs agents just because they are screening in airports, under this rubric that we have to be concerned about worldwide terror, is specious reasoning.

Mr. DEMINT. If I could make one last appeal? This document is the collective bargaining procedures the border agents have for just one unit. This bill opens the possibility of literally hundreds of unions in every airport. I appeal to my colleagues. If every airport has to deal with separate collective bargaining arrangements and has to establish an emergency or imminent threat on every occasion, and we can second-guess them in Congress—and lawyers will—I think we need to work together to make sure we come to the best conclusion. I know the amendment of the Senator is well intended. Hopefully we can discuss it more on the floor tomorrow or next week.

Mrs. MCCASKILL. I thank the Senator.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to speak against the amendment offered by my colleague, Senator DEMINT, and in support of employee protections for Transportation Security Officers TSOs at the Transportation Security Administration

It is only fair to give TSOs the same rights and protections as other employees at the Department of Homeland Security.

The provision in S. 4 would allow the President to put TSOs in the same personnel system that President Bush argued was needed for homeland security employees in 2002 in order to put the right people in the right jobs at the right pay—to hold employees accountable—and to reorganize and quickly shift resources to meet new terrorist threats.

Although DHS was authorized to waive certain provisions of title 5 related to pay, labor relations, and employee appeals in order to protect the U.S. from terrorists attacks, other employee rights and protections remained—veterans preference, collective bargaining, and full whistleblower rights with appeal to the Merit Systems Protection Board, MSPB.

It is wrong to deny these basic rights and protections to TSOs—who work for DHS.

Because TSOs lack employee protections, they have one of the largest attrition rates, one of the highest workers compensation claims, and one of the lowest levels of morale among Federal employees.

I recognize the efforts by TSA to address these issues, but I firmly believe that the gains made by those efforts are only temporary if employees continually feel threatened by retaliatory action or that they cannot bring their concerns to management.

National security is jeopardized if agencies charged with protecting our Nation continually lose trained and talented employees due to workplace injuries and a lack of employee protections—including protection against retaliation for blowing the whistle on security breaches.

Moreover, the whole point of creating DHS was to consolidate 22 agencies into one entity in order to prevent and respond to terrorist attacks. By denying TSOs the same rights provided to other DHS employees, we are reinforcing the very stovepipes we sought to tear down with the Homeland Security Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, this is a very difficult issue that is now before the Senate. The Aviation Transportation Security Act provided TSA with flexibility with respect to the critical national security mission of TSA security officers. These management authorities allow TSA to shift resources and implement new procedures daily, in some cases hourly, to respond to critical intelligence and to meet an ever-changing airline schedule. This was made very clear to us in a classified briefing that I attended yesterday. Sometimes these situations can be classified as emergencies. Other times the day-to-day situations, such as a flight gets canceled, still require extensive modifications that may not constitute emergencies.

I think, however, that there is a middle ground in this debate. I think we can find a solution, and I am working with Senators on both sides of the aisle to try to see if there is a middle ground. It seems to me that TSA does need some flexibility to allow it to adjust the workforce in order to provide additional security. That happened in response to the United Kingdom air bombing plot last summer. In that case, TSA changed the nature of employees' work and even the location of their work to respond to that emergency.

But I see no reason TSA employees cannot have the protections of the Whistleblower Protection Act, for example. There is no reason they should not have the same protections as other Federal employees and be brought under that law.

Similarly, I think there should be some way for TSA employees to have the right to appeal adverse actions, such as a removal, a suspension action, a reduction in grade level or pay that has been taken away from them. I am still exploring this issue, but it seems to me that they should have the right to appeal adverse employment actions to the Merit System Protection Board.

I know there is another one of my colleagues waiting to speak, so I am not going to go into great detail tonight. But let me say that I do not think this is an all-or-nothing situation as, unfortunately, much of the debate suggested tonight. I do not think

that we have to deny TSA employees whistleblower protections and the right to appeal adverse employment actions in the name of security. I think we can still achieve our vital security goals while affording TSA employees employment rights when an adverse action is taken, appellate rights. I also believe there is absolutely no reason they can't be brought under the Whistleblower Protection Act.

I ask my colleagues to take a close look at this issue. I think it is unfortunate that the debate has been so polarized on this issue and that it is being portrayed as whether you appreciate the work done by the TSO's or whether you don't appreciate it or whether you are pro-union or anti-union. That does not do justice to the debate before us. I believe we can come up with a middle ground that gives TSA the flexibility it truly needs to be able to change working conditions, working hours, unexpectedly to respond to critical intelligence and new threats, or canceled flights for that matter, without depriving TSA employees of other rights that Federal employees enjoy and that they should enjoy, too.

Part of the problem is—and then I am going to yield to my colleague who I see is waiting—we have not had the kind of thorough review of this issue that is needed. I hope Senator AKAKA and Senator VOINOVICH, who are the leaders on civil service issues on the Homeland Security and Governmental Affairs Committee, might hold hearings to take a close look at this and to bring in the experts and hear from the employees, hear from the employees' representatives, the unions, TSA; to have the kind of information that Kip Holly, the head of TSA, has provided us in the past few days.

I think that while it is premature to do what the committee did on the spur of the moment, I also am not enamored of the idea of just striking all of that.

I think there is a middle ground and with goodwill and a sincere effort we can find it. I hope we would avoid what I saw tonight—where the tree was filled up instantly to block alternatives, to block an attempt, a good-faith attempt to find that middle ground.

I am going to keep working on that along with interested colleagues, and I hope that, in fact, maybe we can find a compromise that achieves our goals.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from North Dakota.

AMENDMENT NO. 313 TO AMENDMENT NO. 275

Mr. DORGAN. Mr. President, I thank my colleague from Maine.

I have an amendment at the desk on behalf of myself and Senator CONRAD. I ask unanimous consent that the pending amendment be set aside.

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

Mr. DORGAN. I call up my amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 313 to amendment No. 275.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda)

At the appropriate place, insert the following:

SEC. ____. REPORT ON THE HUNT FOR OSAMA BIN LADEN, AYMAN AL-ZAWAHIRI, AND THE LEADERSHIP OF AL QAEDA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Director of National Intelligence and the Secretary of Defense jointly shall submit to Congress a report describing the status of their efforts to capture Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(b) CONTENTS.—Each report required by subsection (a) shall include the following:

(1) A statement whether or not the January 11, 2007, assessment provided by Director of National Intelligence John Negroponte to the Select Committee on Intelligence of the Senate that the top leadership of al Qaeda has a ''secure hideout in Pakistan'' was applicable during the reporting period and, if not, a description of the current whereabouts of that leadership.

(2) A statement identifying each country where Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda are or may be hiding, including an assessment whether or not the government of each country so identified has fully cooperated in the efforts to capture them, and, if not, a description of the actions, if any, being taken or to be taken to obtain the full cooperation of each country so identified in the efforts to capture them.

(3) A description of the additional resources required to promptly capture Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

Mr. DORGAN. Mr. President, this is an amendment which is similar to one Senator CONRAD and I have offered previously. It deals with the issue of al-Qaeda and its leadership. It has been now 5½ years since that fateful morning with the bright sunshine and the blue sky here in Washington, DC, when I was looking out the window of the leadership meeting which I was attending that Tuesday. We could see the smoke rising from the Pentagon because of the attacks. We watched on television the collapse of the World Trade towers, attacked by commercial airplanes being used as guided missiles full of fuel. None of us will ever forget that morning. More than 3,000 innocent Americans were murdered. Shortly after that period, we heard people boast about orchestrating the murder of those innocent Americans. Osama bin Laden, Mr. al-Zawahiri, his chief lieutenant, and al-Qaeda have boasted about orchestrating the attacks against our country that murdered innocent Americans.

The legislation before the Senate deals with the 9/11 Commission Report. That Commission did an extraordinary job. I appreciate Senator REID bringing this to the floor and the work that has been done by the committees. These are recommendations which are long overdue. They should have been dealt with previously by the Congress, but they have not been.

Now we have legislation on the Senate floor, recommendations on how to provide for this country's protection, how to provide security, how to prevent another attack by al-Qaeda or other terrorist organizations. It is very important legislation. We do need to protect our country from attacks. But there is something else that is long overdue; that is, we have taken our eye off the greatest threat. That is not me saying so. Let me tell my colleagues what the greatest threat to our country is. This is testimony on January 11, a month and a half or so ago, before the Senate Select Committee on Intelligence by Mr. Negroponte, who was a top intelligence chief.

Here is what he said:

Al Qaeda continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan to affiliates throughout the Middle East, northern Africa and Europe.

Mr. Negroponte continued by saying:

Al Qaeda is the terrorist organizations that poses the greatest threat to US interests, including to the Homeland.

That is from the top intelligence expert in our Government. He says the terrorist organization that poses the greatest threat to U.S. interests is al-Qaeda; the greatest threat to our homeland is from al-Qaeda. He says they are in a secure hideout in Pakistan.

Tuesday of this week, the new Director of Intelligence, Mike McConnell, said almost exactly the same thing.

We also read in the New York Times a week or so ago the following:

Senior leaders of Al Qaeda operating from Pakistan over the past year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials.

American officials said there was mounting evidence that Osama bin Laden and his deputy, Ayman al-Zawahri, have been steadily building an operations hub in the mountainous Pakistani tribal area of North Waziristan.

Now, let me go back to 4 days after 9/11. President Bush said the following in an address to a joint session of Congress. I was sitting near the front row. The President said:

We will not only deal with those who dare attack America. We will deal with those who harbor them and feed them and house them.

In his State of the Union Address several months later, he said:

As part of our offensive against terror, we are also confronting the regimes that harbor and support terrorists.

So the head of our intelligence services, the Directors of Intelligence, know that the leadership of al-Qaeda,

including Osama bin Laden—or ''Osama bin Forgotten,'' as some have suggested in recent years—are in a secure hideaway in Pakistan. At the same time, we have 21,000 troops sent on a surge elsewhere. And so I ask: Why are we not making a greater effort to capture the leadership of the biggest terrorist threat to this country, as described by the Directors of Intelligence, past and current? Are they being harbored?

We read that there has been an agreement of sorts between the Government of Pakistan and al-Qaeda and those who harbor al-Qaeda in Pakistan. We know there are training organizations now. We see the examples of them in the film and video on our television sets, more sophisticated attacks, additional techniques about terrorist attacks.

So we offer an amendment that is very simple. It is an amendment that says: We want every 6 months from this administration a classified report to the Congress that tells us several things: First, where is the al-Qaeda leadership? If they know they are in Pakistan, reaffirm that. If they are not in Pakistan, tell us where they are, each country, and whether those countries are harboring these terrorists.

Second, we deserve to know whether these countries in which these terrorists reside are helping us. Are they helping us bring to justice and capture the leadership of the greatest terrorist threat to our country? We deserve to know that.

And third, if Osama bin Laden and the other top leaders are still at large, we need a report describing what resources are needed to hunt them down and finally capture them.

I don't understand at all why year after year passes and those who directed the attacks against this country that killed thousands of innocent Americans are not brought to justice.

It is perfectly appropriate—in fact, it is essential—that we bring to the floor of the Senate a 9/11 Commission bill that helps protect this country. I commend the managers of the bill for it. I want to be out here helping pass this legislation. But that is one part of providing security.

Another part of providing security is to apprehend those who perpetrated the most aggressive attacks ever launched against this country. Apparently, based on the testimony of the heads of intelligence on two occasions in the last month, we know where they are. Yet they remain at large.

I asked a question the other day of the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff when they testified. I asked the question: If we know where the leadership of al-Qaeda is and if this is the greatest threat to our country's security and our homeland, then why on Earth, if we have soldiers to surge, are we not trying to apprehend and bring to justice the leadership of al-Qaeda to destroy the leadership? I was told: Well, we can't just invade some other country to go find them.

I thought we were getting cooperation from this other country. If they are in Pakistan, are the Pakistanis cooperating with us? If not, are they harboring al-Qaeda? If they are not harboring them, then how about allowing us to work with them to bring to justice the leadership of the organization that poses the most significant terrorist threat to this country? When will that happen?

There are some who have said Osama bin Laden and the leadership of al-Qaeda do not matter. They are dead wrong. I think the intelligence community knows that. The question is, When will this country, with its capability, decide to eliminate the greatest terrorist threat to America?

Let me again quote what Mr. Negroponte said on January 11 of this year:

> Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the Homeland.

How long will it be before this Congress can expect the same aggressive activity against the leadership of al-Qaeda as President Bush decided to take against Saddam Hussein? Saddam Hussein has been executed. He is gone. We understand this was a brutal dictator. We have unearthed mass graves with apparently somewhere near 400,000 skeletons of human beings murdered by that dictator. But he is executed; he is gone. Iraq has its own Constitution. They have their own Government. The question is, Do they have the will to provide for their security? That is another issue, and an important one.

We have American soldiers in harm's way in the middle of sectarian violence, in the middle of what clearly is now a civil war in Iraq. But when we talk about committing America's soldiers for this country's security, when will this President and this Congress decide to confront the greatest terrorist threat to our country and to our homeland—the leadership of al-Qaeda in a secure hideaway in Pakistan? Four days after 9/11, our President said that those who harbor terrorists are just like the terrorists. So let's decide to ask those in whose countries terrorists now reside to work with us to bring them to justice, to capture them, and to eliminate the leadership of the greatest terrorist threat to this country.

My colleague, Senator CONRAD, and I have offered an amendment. We will hope it will be given a vote next week. It ought not be a controversial amendment for anybody in this Chamber. It is a deep reservoir of common sense, for a change, for us to do what we ought to do, and protect this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the Improving America's Security Act.

The 9/11 Commission released its report in July 2004. But more than 2 years have now passed, and many of its recommendations still haven't been implemented. The Nation remains seriously unprepared for another terrorist strike.

I commend Senator REID for making these recommendations a top priority. Democrats are committed to implementing the Commission's recommendations and we intend to honor that commitment.

The Commission urged Congress to prevent further attacks by stopping terrorists before they reach our shores. This bill includes practical steps using technology and diplomacy to keep terrorists out of the country. It provides greater security for the visa waiver program, by authorizing the Department of Homeland Security to establish a simplified online electronic visa application to visitors before they enter the United States. It also improves the reporting of lost and stolen passports and the exchange of information about prospective visitors who may be a security threat. The visa waiver program is worthwhile, but we need to make it as secure as possible.

I commend the committee for including in the bill an amendment granting collective bargaining and appeal rights to Transportation Security Administration officers. These men and women are on the frontlines of our effort to keep America safe. But for years, they have been treated as second-class citizens, lacking basic workplace rights. The agency has higher injury and attrition rates than any other Federal agency. It is vital to our national security to minimize turnover in this important profession and give these workers a voice on the job to speak out on safety issues without fear of reprisal or retaliation. Granting them these fundamental rights will stabilize this essential workforce, increase its morale, and improve our national security.

In addition, the bill establishes a dedicated funding stream to promote communications interoperability. This was one of the hard lessons we learned on 9/11 and also during Katrina. The lack of funding for interoperable communications is one of the highest concerns I hear from first responders in Massachusetts. They shouldn't have to rely on uncertain funding from the overburdened and underfunded FIRE grants program to achieve such communications. The committee correctly recognized that this is a national goal and it has proposed a $3.3 billion grant program over 5 years to achieve it.

This bill makes real progress in another key area that the Commission identified for improvement: intelligence sharing at all levels of Government, in order to disrupt terrorist networks before their plan is carried out. Information sharing is vital so that analysts have all available information to ''connect the dots'' before an attack is launched. The bill orders a homeland security advisory system to alert State and local governments about threats, and authorizes a training program for State and local law enforcement in

handling intelligence. It also establishes homeland security fusion centers to bring Federal, State and local antiterrorism efforts under the same roof and promote further information sharing.

The bill makes progress in other areas identified by the 9/11 Commission as needing improvement. It provides support to State and local governments to establish incident command stations to coordinate response efforts during a terrorist attack or other disasters. It calls for a national strategy for transportation security to provide transit system operators with guidance to protect passengers and infrastructure. It calls on the Department of Homeland Security to make annual risk assessments of critical infrastructure, and to make recommendations for hardening those targets and putting other countermeasures in place.

The bill also strengthens the Privacy and Civil Liberties Board in significant ways. It requires Senate confirmation of all of its members and ensures that no more than three members will be of the same party. Importantly, it requires that the Board expand its public activities, which will allow for greater accountability. It also gives the Board authority to request that the Attorney General issue a subpoena and requires that the Attorney General notify Congress if he does not do so. Finally, it includes a $30 million authorization over the next 4 years to ensure that it has the resources to carry out its important responsibilities.

In some areas, the bill could be improved. The 9/11 Commission recommended that homeland security funds be allocated strictly on the basis of risk. While all States may bear some degree of risk, our experience on 9/11 suggests that terrorists are most likely to target areas that will produce the greatest loss of life or property or national symbols. The bill improves on current law in allocating resources under the largest of the homeland security grant programs—-the State homeland security grants. Currently, each State is guaranteed at least three-quarters of 1 percent of the total appropriated for the program. That may seem like a relatively modest amount, but when you multiply it 50 times, it represents nearly 40 percent of the total appropriation. The bill lowers the minimum guarantee to 0.45 percent, allowing more of the overall sum to be allocated based purely on actual risk. The House bill lowers that amount even further to one-quarter of 1 percent. The issue is how best to allocate these limited resources, and I believe the House funding formula more faithfully reflects the 9/11 Commission's recommendation and is the wisest use of limited resources.

On the bill's proposal for a National Bioterrorism Integration Center, I agree that the Nation must be able to rapidly identify and localize biological threats, but I am concerned that this new system will duplicate existing disease monitoring systems. I appreciate the chairman's willingness to work out ways to minimize duplication and allow a flow of information between the new system proposed in the bill and existing disease monitoring systems.

One issue not addressed in this legislation is the health needs of first responders, volunteers, and residents of New York City harmed by the 9/11 terrorist attacks. On that day, valiant police officers, firefighters and health care workers rushed to the site, and many lost their lives. Many others today are sick, and growing sicker, because of their heroism. Tens of thousands of others who worked to clean up and rebuild downtown Manhattan were also exposed to a toxic mix of dust and chemicals whose effects are just beginning to be understood. This is an issue we will be taking up in the coming weeks in the HELP Committee, with the leadership of Senator CLINTON, and I hope we can work together to enact legislation to help these brave men and women and their families as soon as possible.

Again, I commend the committee for proposing this needed bipartisan bill.

We also owe an immense debt to the members of the 9/11 Commission, especially Chairman Tom Kean and Vice Chairman Lee Hamilton, for never relenting in their mission to see that their recommendations are implemented to protect the Nation from future terrorist attacks. I have no doubt that their persistence is in no small part the reason this bill is being acted on today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Ms. COLLINS. Mr. President, for the information of our colleagues, I know the distinguished assistant leader is going to be making comments shortly about the schedule tomorrow, but it appears there may be two rollcall votes. It is still being negotiated as to exactly what they are going to be on. It looks as if they may be on amendments offered by Senators SALAZAR and SUNUNU.

I want, for the record, to state those amendments are acceptable on this side of the aisle. I was prepared to accept them without the need for a rollcall vote, but at this point it is my understanding that rollcalls are likely for tomorrow. I am sure we will hear shortly from the leaders on that.

Mr. President, I thank my colleague for allowing me to precede him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I will speak to the schedule and adjournment in just a moment, but before that I ask unanimous consent to be recognized to speak as in morning business.

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

DARFUR

Mr. DURBIN. Mr. President, I come again to the floor this evening to speak about Darfur in Sudan. Most Americans are now familiar with what is going on in this remote part of our world.

Hundreds of thousands of people have died. Two million have been forced to flee their homes and still cannot return. Humanitarian workers have been raped, beaten, arrested, and killed.

This is genocide. That is a word we should use with the utmost caution. If we misuse the term, we diminish it; we dilute its power. But if we fail to use the word or if we use it and fail to act, then that is even worse.

The entire world has allowed Darfur to happen. Now it is up to every one of us to stop it. Those of us who have the privilege of being elected to office have a higher responsibility than most. We sought out these positions, and we must assume the duties that come with them.

There are few duties more fundamental than the obligation to save innocent men, women, and children from slaughter.

This week, Luis Moren-Ocampo, the International Criminal Court's prosecutor, presented evidence on the mass murder in Darfur to the judges of the International Criminal Court. This evidence focuses on two individuals as helping to lead and coordinate this campaign of violence.

The first individual named by Mr. Ocampo is Ahmad Muhammad Harun, former state minister of the interior, and now a state minister for humanitarian affairs for the Government of Sudan. State minister for humanitarian affairs—it is hard to even speak those words.

From 2003 to 2005, Harun was responsible for the ''Darfur security desk'' in the Sudanese Government. His most important task was the recruitment of janjaweed militias. He recruited them, as Prosecutor Ocampo points out, with the full knowledge that the janjaweed militia members he was recruiting ''would commit crimes against humanity and war crimes against the civilian population of Darfur.''

That was, in fact, the point of his recruitment effort.

The second individual named in the prosecutor's presentation of evidence to the court is Ali Abd-al-Rahman, also known as Ali Kushayb.

Ali Kushayb is a janjaweed commander who personally led attacks on villagers, just as the Sudanese Government intended.

This was part of a coordinated strategy of the Sudanese Government to achieve victory over rebels not by confronting the rebels but by attacking

the civilian populations around them, by destroying entire villages and driving out or killing every inhabitant.

Let me read a short section of Mr. Ocampo's document to illustrate the crimes these two men helped coordinate and lead. It is graphic and horrifying. This is what they wrote:

During the attack on [the village of] Bindisi on or about 15 August 2003, Ali Kushayb was present wearing military uniform and he was issuing orders to the Militia/Janjaweed. Ground forces were shooting at civilians and burning huts. The attacking forces pillaged and burned dwellings, properties and shops. The attack on Bindisi lasted for approximately five days and resulted in the destruction of most of the town and the death of more than 100 civilians, including 30 children.

In Arawala, in December 2003, Ali Kushayb personally inspected a group of naked women before they were raped by men under his command. A witness said she and the other women were tied to trees with their legs apart and continually raped.

In or around March 2004, Ali Kushayb personally participated in the execution of at least 32 men from Mukjar. The evidence shows Ali Kushayb standing near the entrance of the prison and hitting these men as they filed past and into Land Cruisers. The vehicles left with Ali Kushayb in one of them. About fifteen minutes later, gunshots were heard and the next day 32 dead bodies were found in the bushes.

The Application [which is the term for Ocampo's presentation of evidence] alleges that Ahmad Harun and Ali Kushayb bear criminal responsibility in relation to 51 counts of war crimes and crimes against humanity including: rape; murder; persecution; torture; forcible transfer; destruction of property; pillaging; inhumane acts; outrage upon personal dignity; attacks against the civilian population; and unlawful imprisonment or severe deprivation of liberty.

Many can ask, why, when hundreds of thousands of people have died and millions have suffered, why just single out these two men? What does this presentation of evidence to a court sitting in the Hague in Europe accomplish? Why single them out? Because that is where you start and because this submission by the prosecutor illustrates a direct chain of command from the janjaweed, who rode into the villages on horseback to rape, murder, and plunder, to the official government in Khartoum that orchestrated these atrocities.

It is an act of accountability, when up to now there has been none. But it is not enough.

The International Criminal Court has issued summonses for the two men named by Mr. Ocampo. If they do not appear, it must issue arrest warrants. If the Sudanese Government does not turn them over, then the United Nations Security Council must act.

But this is about far more than two individuals. It is time for the United States of America to lead. Here in Congress, we have been told that progress is being made. I do not see it at all. We have been told that we cannot push harder at the United Nations because the Chinese may veto any resolution we put forward.

I have a simple proposition. Let's put this matter before the U.N. Security Council. Let's let the American representative—our Ambassador—to the United Nations vote in accordance with our finding that a genocide is taking place. Let's let every civilized nation in the world know where we stand. And let's ask them on the record where they stand.

If any country—China or any other—wants to step up and say we should take no action to stop this genocide, so be it. Let the record of history show where they stand as this genocide unfolds.

Congress has passed many bills giving the administration additional sanctions they can presently use as tools by the United States to stop this genocide.

On two different occasions, I have spoken directly and personally with the President about Darfur. I feel very intensely about it. I have said on the floor before—and I think it bears repeating—as a student in this city at Georgetown University, I had a famous professor named Jan Karski. He was in the Polish Underground during World War II and came to the United States to try to alert them to the evidence that he had accumulated about the Holocaust that was taking place. He was a man who spoke broken English, but he was on a mission, looking for anyone who would listen to him, praying that the United States, that he heard so much about, would step forward and do something to stop this Holocaust. He met with a few individuals. He did not get to the highest levels of our Government and left in frustration, having accomplished very little.

Some 25 or 30 years later, Dr. Karski was a professor at my university. I remember when he told that story, I thought to myself: How could this happen? How could 6 million people die and no one do anything about it? He tried. At least he tried. But what about everyone else? I did not understand it. But now I do. I do because I have watched what has happened in Darfur since the genocide was declared. The honest answer is: Almost nothing. And the honest answer is: The United States of America has done almost nothing.

I have asked the President directly, I have spoken to Secretary of State Condoleezza Rice, and I have spoken to all who will listen, begging them to do something, something to respond to this declared genocide.

Special Envoy Andrew Natsios said that come January 1, the United States would exercise sanctions if Sudan did not agree to a joint African Union-United Nations peacekeeping mission.

Well, January 1 came and went and no mission was allowed. There is no joint peacekeeping mission in the Sudan today, and it is March 1.

I believe we should use every economic and diplomatic tool at our disposal. We should implement additional sanctions immediately. But, more importantly, we must convince other countries and the United Nations to do the same. And it starts with us personally, divesting ourselves of those businesses that are doing business in Sudan.

I made this speech and put out a press release a month or two ago, and some enterprising reporter went through the 5 or 10 mutual funds my wife and I owned and spotted one that had an investment in PetroChina. PetroChina is the Chinese oil company in the Sudan. He identified that mutual fund, and I sold it immediately. I was not embarrassed because you cannot really keep up with a mutual fund and everything they own. But I knew I had an obligation to do something once I was advised. It wasn't that difficult for my family. Certainly it didn't damage my portfolio, as modest as it may be. But I ask everyone, if you seriously believe that the genocide in Darfur must end, start by seeing what you can do personally. Every American should ask if their investments are going to support the Government of Sudan. Every mutual fund director should ask the same thing. I have written to every college and university in my State asking them to divest of investments in Sudan until the genocide in Darfur ends. Unilateral sanctions by the United States are important, but multilateral sanctions imposed by the United Nations can make a difference. Genocide occurs because the world allows it to occur. It is time to prove that the 21st century will be different.

Mr. President, just a few days ago—in fact, just yesterday—in the Washington Post, a woman who is well known to many, Angelina Jolie, published an article about the situation in Darfur. It is entitled ''Justice for Darfur.'' Ms. Jolie, who is well known to all of us, is a comely actress whom I had a chance to meet a year or two ago when she came to town in her capacity as goodwill ambassador for the United Nations High Commission for Refugees. She has certainly proven her skill as an actor, and I think she has demonstrated that her caring for people around the world is genuine. The article she wrote in the Washington Post is one that, at the end of my statement, I will ask to have printed in the RECORD so that it is an official part of our Senate proceedings. She is in Bahai, Chad. She says in this article ''Justice for Darfur'' the following:

Sticking to this side of the Sudanese border is supposed to keep me safe.

Ms. Jolie writes:

By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit in 2004. The death toll has passed 200,000; in 4 years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

She talks about accountability. In this article, she says:

Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting

with impunity. Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court, has said that genocide is not a crime of passion, it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

Mr. President, she concludes by saying:

In my 5 years with the United Nations High Commission for Refugees, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.

It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.

What the worst people in the world fear most is justice. That's what we should deliver.

Mr. President, I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

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

[From Washingtonpost.com, Feb. 28, 2007]

JUSTICE FOR DARFUR

(By Angelina Jolie)

BAHAI, CHAD.—Here, at this refugee camp on the border of Sudan, nothing separates us from Darfur but a small stretch of desert and a line on a map. All the same, it's a line I can't cross. As a representative of the United Nations High Commissioner for Refugees, I have traveled into Darfur before, and I had hoped to return. But the UNHCR has told me that this camp, Oure Cassoni, is as close as I can get.

Sticking to this side of the Sudanese border is supposed to keep me safe. By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit, in 2004. The death toll has passed 200,000; in four years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

Attacks on aid workers are rising, another reason I was told to stay out of Darfur. By drawing attention to their heroic work—their efforts to keep refugees alive, to keep camps like this one from being consumed by chaos and fear—I would put them at greater risk.

I've seen how aid workers and nongovernmental organizations make a difference to people struggling for survival. I can see on workers' faces the toll their efforts have taken. Sitting among them, I'm amazed by their bravery and resilience. But humanitarian relief alone will never be enough.

Until the killers and their sponsors are prosecuted and punished, violence will continue on a massive scale. Ending it may well require military action. But accountability can also come from international tribunals, measuring the perpetrators against international standards of justice.

Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting with impunity. Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court (ICC), has said that genocide is not a crime of passion; it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

On Monday I asked a group of refugees about their needs. Better tents, said one; better access to medical facilities, said another. Then a teenage boy raised his hand and said, with powerful simplicity, ''Nous voulons une épreuve.'' We want a trial. He is why I am encouraged by the ICC's announcement yesterday that it will prosecute a former Sudanese minister of state and a Janjaweed leader on charges of crimes against humanity.

Some critics of the ICC have said indictments could make the situation worse. The threat of prosecution gives the accused a reason to keep fighting, they argue. Sudanese officials have echoed this argument, saying that the ICC's involvement, and the implication of their own eventual prosecution, is why they have refused to allow U.N. peacekeepers into Darfur.

It is not clear, though, why we should take Khartoum at its word. And the notion that the threat of ICC indictments has somehow exacerbated the problem doesn't make sense, given the history of the conflict. Khartoum's claims aside, would we in America ever accept the logic that we shouldn't prosecute murderers because the threat of prosecution might provoke them to continue killing?

When I was in Chad in June 2004, refugees told me about systematic attacks on their villages. It was estimated then that more than 1,000 people were dying each week.

In October 2004 I visited West Darfur, where I heard horrific stories, including accounts of gang-rapes of mothers and their children. By that time, the UNHCR estimated, 1.6 million people had been displaced in the three provinces of Darfur and 200,000 others had fled to Chad.

It wasn't until June 2005 that the ICC began to investigate. By then the campaign of violence was well underway.

As the prosecutions unfold, I hope the international community will intervene, right away, to protect the people of Darfur and prevent further violence. The refugees don't need more resolutions or statements of concern. They need follow-through on past promises of action.

There has been a groundswell of public support for action. People may disagree on how to intervene—airstrikes, sending troops, sanctions, divestment—but we all should agree that the slaughter must be stopped and the perpetrators brought to justice.

In my five years with UNHCR, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.

It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.

What the worst people in the world fear most is justice. That's what we should deliver.

Mr. DURBIN. Mr. President, I conclude by saying that the subcommittee which I chair of the Judiciary Committee, the Human Rights Subcommittee, had a hearing several weeks ago on genocide in Darfur. We are preparing legislation as a result of that hearing to authorize State and local governments and others to divest of investments in Sudan and businesses that are doing business in Sudan and furthermore to extend the authority of the U.S. Department of Justice to prosecute those whom we find guilty of genocide in foreign lands. That authority currently exists for those whom we accuse and wish to prosecute for torture; the same thing should apply to crimes of genocide.

Those two legislative changes may help, but in the meantime it is time for our Government to help. I commended the Bush administration 4 years ago when they finally used the word ''genocide'' as it related to Darfur. I thanked then-Secretary of State Colin Powell for his courage in using that word. I said the same to Secretary of State Condoleezza Rice. But, having said that, we must understand that if we use the word and fail to act, what does it say of us? If we acknowledge that a genocide is taking place and do nothing, what does it say of America?

We have the power to do things, to change this. It will take political courage, not only in the White House but here in Congress. History will write in years to come whether we acted or not, as it is written about the lack of response to the Holocaust. I sincerely hope history will judge us late to the cause but rising with a sense of justice that is necessary to end this terrible killing.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO ARCHIE GALLOWAY

Mr. SESSIONS. Madam President, I would like to take a personal moment to express my deepest gratitude and bid farewell to my senior defense policy analyst, Archie Galloway.

For the past 10 years, Archie has dedicated his time, energy and skill to assisting me but more importantly to assisting America and the citizens of Alabama. He has been a friend and an asset to the Senate Armed Services Committee, and his performance stands as a tribute to the professionalism of our military community. Archie leaves us to join the private sector, but our Nation will continue to benefit from his many contributions for many years.

I congratulate Arch on his bright future but with a heavy heart. His experience as a battle-tested Army officer, Ranger, and 101st Airborne Screaming

Eagle, combined with his in-depth knowledge of the workings of Capitol Hill, cannot be matched. Upon joining my team, he quickly became a pillar in my office. His undeniable work ethic and his unwavering dedication to our country and to my State of Alabama were a great example to his fellow staffers.

As my senior defense policy analyst, I have relied on Archie's experience and sound judgment. In the last 10 years, he has been instrumental in the passage of key legislation, such as the HEROES Act that Senator LIEBERMAN and I cosponsored—I believe the Senator was here a moment ago—that doubled the death benefits provided to the families of those who lost a servicemember in combat. Alabama's success in the recent Base Realignment and Closure round reflected so much of his hard work. The footprints of his dedication to the needs of this Nation and to the State of Alabama are deep and permanent as he moves on to his next journey in life.

I would be remiss if I did not mention the other half of the Galloway team. Archie's wife Carol is a tremendous contributor to his success. We will always be impressed by the strength of their partnership and the heart and soul they put into everything they do together.

On behalf of myself, my staff, and the people of Alabama, the military community, the Senate Armed Services Committee, and the entire country, may I say thank you to Colonel Archie Galloway.

During these 10 years, Archie has won the admiration and respect of everyone he has worked with. Many have sent their regards, so I thought I would quote a few.

Charlie Able, former Under Secretary of Defense for Personnel and Readiness and the former Armed Services Committee staff director had this to say:

> Archie is a professional soldier and a dedicated Senate staffer who cares deeply about soldiers and their families. It's equally important to recognize his wife Carol for her dedication and service. This partnership is truly their best asset.

Les Brownlee, the former Senate Armed Services Committee staff director and Under Secretary of the Army had this to say:

> Archie wore the uniform of a soldier and brought all of that wonderful experience to the U.S. Senate, where it has been invaluable to Senator Sessions, the Army, and the Nation.

Here are the words of General Cody, Vice Chief of Staff of the United States Army:

> Archie Galloway is a patriot in every sense of the word. His commitment to this Nation and the Army has not faltered through 40 years of service. In and out of uniform, Archie has dedicated his life to taking care of the soldiers that defend our freedoms. Although Arch will be missed, he can take great pride in knowing the indelible impact he has made will continue to save lives, strengthen our national security, and protect the liberties from which we all benefit. Thank you for your service Arch, Army Strong!

Dick Walsh, senior member of the Armed Services Committee, writes on behalf of the Armed Services Committee and their team:

> There aren't many people working on Capitol Hill these days who have served in the Armed Forces, and among those, there are even fewer who—like Arch Galloway—served over 20 years on active duty, commanded troops, and achieved the rank of Colonel in the United States Army. We have been fortunate to have Arch working issues in support of Senator Sessions on behalf of soldiers, sailors, airmen, and marines and working for the people of our country. Whether he learned it from his parents or whether he learned it in the Army, Archie brought the qualities of common sense, good judgment, commitment to duty, honor, and country, wisdom and an inherent understanding of how to get things done the right way in the U.S. Senate. Archie helped us all see each day that the Army is an institution we all have to listen to, support, and advocate for. Any outfit that keeps someone like Arch for a career and then hands him off to more public service is doing something right. No one was able to send a message of appreciation and thanks for support and a job well done with a plate of delicious cookies better than Archie Galloway, and we thank Carol Galloway for her contributions as Archie's G4 to committee morale. Archie like few others understands the ''force multiplier'' effect of baked goods. All part of being a great leader. The staff of the Senate Armed Services Committee relies greatly on the military legislative assistants who work for our Senators and those who have the kind of experience and qualities that Arch possesses represent a tremendous resource. They are full partners with the committee staff. We are sad to see Archie leave, and he will be missed, but we are very grateful for his friendship and service.

Rob Soofer, the chief staffer for the minority side on the Strategic Forces Subcommittee says:

> Most legislative assistants view their primary responsibility as supporting the Senator's interests in the State. While Archie was indeed a forceful advocate for defense interests in Alabama, he never lost sight of the broader national security interests and the role Senator Sessions played as chairman of the Strategic Forces Subcommittee. As the liaison between the committee staff and the Senator, he made sure the Senator was prepared to chair subcommittee hearings and address critical strategic force issues during the preparation and passage of the National Defense Authorization Act.

John Little, now the chief of staff for Senator MARTINEZ, a former staffer in my office, said this:

> I cannot say enough about Archie Galloway. It was my honor to work with him for 8 years. I have never worked with someone who is more honest, sincere and dedicated. As a native of Alabama, I know how much he has done for my State. America is truly stronger for his service to our Nation. I wish him and Carol much happiness and the best of luck as he embarks on his new professional career. I am very glad that I can call him my friend.

Here are some comments from those with whom he has worked. Rick Dearborn, the Chief of Staff in my office, says:

> If James Brown was known as the hardest working man in show business, Arch Galloway should be known as the ''hardest working military legislative assistant on the Hill.'' The focus that Arch has placed on men and women in uniform over 10 years, particularly those who served in the State of Alabama, was a tribute to his country and the man who represents them. I know of no one who has worked harder, put in more hours, more thought and sweat than Archie Galloway on behalf of the men and women in uniform and in the name of national security.

Major Shannon Sentell, former military fellow in my office, back now on active duty, said:

> Be it the soldier in the field, the constituent in need of assistance, or the numerous relationships he has on the Hill, Archie Galloway always gave 110 percent in making sure the welfare of those individuals and groups was taken care of. His untiring efforts and tenacious attitude made Arch the ''go-to'' man when a lot of heavy lifting was needed. On a personal note, I refer to him as my colleague, my mentor, but most of all, my friend. Thank you, Arch, for what you do on a daily basis. You have made an incredible difference in so many lives. You will be sorely missed.

Meagan Myers, who now works under Colonel Galloway on my staff, said this:

> Though he would never admit it, Arch is my father figure in Washington, D.C. I have truly never learned so much about life from one individual. To call him my mentor would be an understatement at best. Although I will miss Arch in the office, I look forward to his success in the private sector.

Watson Donald, who also worked under Archie Galloway and is now the military legislative assistant for Congressman JO BONNER, said:

> Archie Galloway is one of the most dedicated, hard-working, loyal, intelligent people I know. His decade-long service to Alabama has been invaluable and I know our entire congressional delegation will miss his defense-related expertise. Having worked for him personally for 3 years, I am proud to have him not only as a professional mentor, but as a friend.

Leroy Nix, who also worked under Arch and is now in law school said:

> I would simply like to express my gratitude to Colonel Galloway for his tireless commitment to excellence and the service of the people of Alabama and this Nation. Having worked with Arch in Senator Sessions' office for the better part of 3 years, I had the luxury of learning from him, not just the finer points of professionalism and personal development, but also those things that I feel will continue to influence the man I am and the man I strive to be. My only hope is that more people, young and old, could have such a fine teacher, mentor, and most importantly, friend.

John Muller, current military fellow and major in the Army says:

> Archie is a true patriot and a great mentor. He shows you the way and gives you the freedom to work the issues, but he will not let you fail.

Stephen Boyd—LA, SESSIONS staffer said:

> I've had the very good fortune to work about 10 feet from Arch Galloway, day in and day out, for several years now. It's given me a deep respect for all he has done behind the scenes for Senator Sessions and for the State of Alabama. When I came to Washington fresh from law school, I was long on eagerness but short on experience. It didn't take

me long to realize that Arch Galloway, more than any other, knew exactly what he was doing in this town. I decided early on to use Arch's attitude, style, and work ethic as a model for my own, and I think that is one of the best decisions I have ever made. His guidance has never let me down.

Mike Brumas, press secretary, Senator SESSIONS, said:

the use of use of superlatives is all too common these days. But someone trying to describe Arch Galloway's 10-year tenure on Capitol Hill is forced to reach for the highest of accolades—best, brightest, consummate professional, hardest worker. Arch Galloway brought the can-do spirit of a distinguished military career to Senator Sessions's office, and we all benefited by his example. He will be hard to replace and is already missed.

Madam President, I have had the opportunity to travel to Iraq on more than one occasion with Colonel Galloway. He is more than an employee in my office. He is a friend and a partner in service to our country. His career was exceptional in the Army on active duty. His service in my office has been exceptional. No one on the Hill, I think, is more respected than Archie Galloway for his hard work and professionalism. I am going to miss him. Our country is going to miss him.

I don't do this often, but I think on very special occasions, those who serve this Senate exceedingly well deserve a few moments of mention. I think it is true for Archie Galloway. I think all of us appreciate our staff members. So many serve in so many superb ways, but I have to tell my colleagues, this one was special. I am really going to miss him. I wish he and Carol every success. He has been a partner, a friend, and a patriot in his service to America.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I wish to very briefly thank Senator SESSIONS for his tribute to Archie Galloway. I had the privilege to work with Arch and traveled with him at least a couple of times. He is a patriot. He served his country in many different roles, including the last period of time working with Senator SESSIONS, to the benefit of the Senate and his country. I wish him the best in the years ahead, and I look forward to continuing our friendship.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I wish to take a moment, as they are talking about the way to proceed further, to read a letter I have read every year since I have been in the Senate on or around March 2, which is Texas Independence Day. Today is the 171st anniversary of the signing of the Texas Declaration of Independence. This is a document that declares that Texas would be a free and independent republic. This is a tradition that was started by my colleague, Senator John Tower. It is a most historic time for Texas because we celebrate Texas Independence Day every year because we know that fighting for freedom has made a difference in what our State has become. We love our history. We were a republic for 10 years, and then we came into the United States as a State.

The defense of the Alamo by 189 courageous men, who were outnumbered 10 to 1, was a key battle in the Texas Revolution. The sacrifice of Colonel William Barret Travis and his men made possible General Sam Houston's ultimate victory at San Jacinto, which secured independence for Texas. Sam Houston and Thomas Rusk, who was the Secretary of War for the Republic of Texas, were the first two United States Senators to serve from the State of Texas.

I will read the letter that was sent by William Barret Travis from the Alamo, asking for arms.

Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat.

Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.

WILLIAM BARRET TRAVIS,
Lt. Col., Commander.

As everyone knows that battle did continue. Colonel Travis did not receive any help, but it was the delay of those brave soldiers, numbering under 200, that allowed Sam Houston to reinforce his own army and take a stand at the battle of San Jacinto that happened April 21 of that year and did, in fact, determine that Texas would become an independent republic.

TAX RELIEF

Mr. GRASSLEY. Mr. President, I rise to discuss the tax relief that was passed by Congress and signed into law by President Bush in 2001 and 2003, and to bring some reality to an upcoming debate this month that involves the budget resolution. Since that tax relief was enacted in 2001 and 2003, and especially since last November, we have heard from the liberal establishment in Washington and elsewhere that this bipartisan tax relief must be ended and that taxes should be increased on millions of Americans of all income levels.

Today, I am going to look at what is driving the tax increase crowd and talk about why they are wrong and why increasing taxes is a bad idea. The liberal establishment uses deficit reduction as a primary excuse for their craving to raise taxes, but before we applaud their efforts to balance the budget, let's think about their solution. When anyone says we need to increase taxes to balance the budget, what they are saying is they are unwilling to cut Government spending. In actuality, the tax increase crowd wants to increase Government spending.

Yesterday, I focused on what extending the bipartisan tax relief package means to nearly every American who pays income tax. So today, as I promised yesterday, I want to examine the tax relief and to look at the impact it has on our economy.

Regardless of whether you look at Federal revenues, employment, household wealth, or market indexes, the impact of tax relief has been overwhelmingly positive. I am going to put a chart up that gives the figures I want you to consider as I go through the points I am making.

The first chart illustrates the growth of revenue with the red line and the growth in GDP with the green line. As we can see, revenues are currently increasing, and are projected to increase in the near future, even before tax relief is scheduled to sunset under current law in the year 2010. Clearly, tax relief has not destroyed the Government's revenue base. I want to point out that this chart shows percentage changes in revenue and percentage changes in GDP. So if the lines are flat in places, it means revenues and GDP are increasing at a constant rate.

The next chart graphs the Standard & Poor's 500 equity price index over a period of several years. So, here again, the lowest point of both the red line, representing the weekly S&P, and the green line, representing an average, seems to correspond closely with May of 2003, which, not coincidentally, is when dividend and capital gains tax cuts were signed into law. Aside from benefiting Americans directly invested in the stock market, this is good news for anyone with a pension who invests in the stock market as well. Of course, that happens to be well over half the people. I think somewhere between 56 and 60 percent of the people, either through pensions or directly investing in the stock market, have money reserves in the stock market. So this is not something that affects 10 or 15 percent of maybe the wealthiest people in the country, as it did 20, 25 years ago; more people are vested in the stock market, mostly through pensions.

According to the Federal Reserve—I have another chart—net wealth of households and nonprofit organizations has increased from a low of around $39 trillion in 2002 to more than $54 trillion in the third quarter of 2006. Since tax relief went into effect, our Nation's households and nonprofit organizations have benefited from more than $15 trillion of new wealth.

This trend is also apparent when we are looking at employment. I show you yet another chart. Total nonfarm employment was calculated to consist of

around 130 million jobs in the summer of 2003 but is projected to be 137 million jobs in January of this year. This shows a 7 million increase in nonfarm employment since the 2003 tax relief bill was signed into law.

I have just described to you four indicators of prosperity. All four of them have increased since bipartisan tax relief was passed by Congress and signed into law. I wish to emphasize that word ''bipartisan'' tax relief legislation of 2001 and 2003. Federal revenues are growing steadily at a rate, then, greater than the gross domestic product. The S&P 500 ended a downward slide and began moving upward around the time of the 2003 tax bill. Also, since the 2003 tax bill became law, household and nonprofit wealth has steadily increased, and literally millions of new jobs have been created. I think it is more than a coincidence that all of these positive economic indicators are correlated with tax relief. I do not think anything short of willful ignorance could lead anyone to say tax relief has been bad for this country.

Now, going back to what I was saying before, the liberal establishment wants to reverse the tax relief that has done all the good things I was just talking about and that we demonstrated by chart, and all in the name of deficit reduction. However, this same crowd has not expressed any interest in reducing the deficit through reduced spending. I believe the reason for this is that this crowd, comprised of lobbyists, the big-city press, and the entrenched Federal bureaucracy, wants to raise taxes—your taxes—to spend your money on growing Government rather than working to trim spending. In fact, the more Government spends, the more power these interests are able to accumulate. The Federal bureaucracy gets to control more money, which will lead to more people hiring high-paid lobbyists to apply pressure to take a bigger piece of the pie the taxpayers are paying for. While these interests have no trouble thinking of themselves, they are not thinking of America's families, America's senior citizens, America's small business owners, and hard-working workers across America. These people may not be able to hire lobbyists or write syndicated columns, but their welfare should be our top priority.

I am going to talk in greater detail about America's families, seniors, small business owners, and workers, but for now, I just want to mention some more about our economy as a whole and how rolling back the 2001 and 2003 tax relief would have dire consequences for our whole economy.

There is an old saying that goes something like this: Figures don't lie, but liars can figure. This saying is especially true in Washington, DC. Any given issue has champions on both sides of the aisle able to generate studies and research that just happens to support their position. I say this because the source for the information I am going to present now is not one of those groups but, rather, the Goldman Sachs Group.

Goldman Sachs is an enormously successful and well-respected financial services firm. I do not think it is possible for any Democratic politician, liberal think-tanker, or liberal journalist to accuse Goldman Sachs of being a tool of my party, the Republican Party. Clinton Treasury Secretary Robert Rubin served as cosenior partner and cochairman, and current New Jersey Governor and former Senator Jon Corzine served as chairman and CEO of Goldman Sachs. Our current Treasury Secretary also enjoyed a prominent career at that firm. So I would recommend that Republicans, but especially Democrats, pay attention when a Goldman economist sends up a red flag.

In a report that is titled ''Fiscal Policy: Marking Time until the Tax Cut Sunsets,'' the U.S. Economic Research Group at Goldman Sachs, in this report, projects a recession—projects a recession—if the 2001 and 2003 tax relief is allowed to sunset. Now, this study actually came out in November of 2006, so I am a little surprised we have not heard more about it.

For this report, Goldman Sachs economists used the Washington University macro model. To give a little background on the Washington model, it is a quarterly econometric system of 611 variables, 442 equations, and 169 exogenous variables. The Washington model was developed and is maintained by Macroeconomic Advisers, Limited Liability Corporation, out of St. Louis, MO. Macroeconomic Advisers is where former Congressional Budget Office Director Douglas Holtz-Eakin serves as a senior adviser. Plus, the firm won the prestigious 2005–2006 National Association for Business Economics Outlook Forecast Award for their accurate GDP and Treasury bill rate forecasts. That ought to give them a great deal of credibility. Now, of course, Macroeconomic Advisers and their Washington model must be accurate enough for people to pay to use it, which is not true for every organization that has been modeling the effects on the economy of letting tax relief expire.

Getting back to the Goldman Sachs study, the authors assumed that Congress would let the 2001 and 2003 tax relief expire, so they reset taxes to their year 2000 levels, grossed them up slightly to match the Congressional Budget Office estimate of the revenue impact of letting the tax cuts expire, and allowed for an appropriate monetary response. For monetary policy, the study's authors assumed that the Federal Reserve would call for interest rate cuts when output falls below its trend and for interest rate increases when inflation rises above its comfort zone.

The study states that:

In the first quarter of 2011, real GDP growth drops more than 3 percentage points below what it would otherwise be. Absent a strong tailwind to growth from some other source, this would almost surely mark the onset of a recession.

If tax relief is allowed to expire, this study shows that a recession is likely to result. By not extending or making tax relief permanent, Congress will be deliberately inflicting a recession on the American people. Is a lot of hollow, high-sounding rhetoric about balanced budgets worth the job losses or business closures that would result in such a recession?

The study eventually predicts higher output but notes that consumption would be lower.

So that everyone has the opportunity to review this study, I ask unanimous consent, Mr. President, that it be printed in the RECORD, along with one of the very few news stories to note its findings.

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

[From the U.S. Economic Analyst, Nov. 10, 2006]

FISCAL POLICY: MARKING TIME UNTIL THE TAX CUT SUNSETS

Near-term changes in US fiscal policy are unlikely despite the shift in control of the Congress. Key decisions on extending tax cuts are not forced until 2010, after the next election, while efforts to roll back these cuts before then would surely trigger a veto.

As the tax cut ''sunsets'' approach, the Congress regains power, as legislation will then be needed to extend the cuts. The choice will not be easy given the magnitude of the tax increase—about 1½% of GDP—that would occur if the tax cuts all expired and its likely impact on near-term growth.

In a simulation exercise, we confirm that this ''do nothing Congress'' scenario would quickly balance the budget but at the cost of a sharp hit to growth in the short term. Farther out, the benefits are higher output and lower inflation and interest rates, at the expense of less consumption—an inevitable price for this decade's tax cuts.

The Democratic Party has regained control of both houses of Congress with a surprisingly strong showing in the mid-term election. Although the new leadership will clash with President Bush on many issues, several areas appear ripe for compromise, including immigration policy, a minimum wage hike, and Iraq policy. Each could have significant impact on the economy.

Third-quarter real GDP growth could be revised up to about 2% (annualized), but the fourth-quarter prognosis remains murky. Early reads on retail sales suggesting that October spending was weak, and the factory sector must begin to work off an inventory overhang. The labor market continues to impress, though we expect the jobless rate to begin trending higher soon as the housing correction triggers more job losses.

I. RETURN TO DIVIDED GOVERNMENT

The Democratic Party has regained control of both houses of Congress with a surprisingly strong showing in the mid-term election. Although the new leadership will clash with President Bush on many issues, several areas appear ripe for compromise, including immigration policy, a minimum wage hike, and Iraq policy. Each could have significant impact on the economy.

Third-quarter real GDP growth may have been a bit stronger than first reported, with data in hand suggesting an upward revision to about 2% (annualized). However, the fourth-quarter prognosis is murky, with

early reads on retail sales suggesting that spending was weak in October, and a substantial inventory overhang in the manufacturing sector. The labor market continues to impress, though we expect the unemployment rate to begin trending higher soon as the housing correction triggers more job losses.

Democrats Retake Congress

With surprisingly strong mid-term election gains, the Democratic Party has retaken a majority not only in the House of Representatives, but also in the Senate with a much thinner 51–49 edge (counting two independents who will caucus with the Democrats). This marks the first time that Democrats have controlled both houses of Congress since 1994; the size of the net changes (6 in the Senate, about 30 in the House) approaches those of previous ''landslide'' midterm elections, especially given the relatively small number of competitive races.

With Democrats setting the agenda, the initial focus of Congress next year is likely to be on the six issues highlighted in the campaign: (1) reinstatement of PAYGO budget rules; (2) repeal of tax preferences for integrated oil companies; (3) reductions in student loan rates; (4) direct negotiation of Medicare prescription drug prices; (5) an increase in the minimum wage, and (6) implementation of the September 11th Commission recommendations.

Although President Bush and the Democratic Congress are likely to clash on many fronts, several major issues with ramification, for the economy appear ripe for compromise:

1. Immigration. Continued large inflows of undocumented immigrants and bipartisan acknowledgement that current policies are insufficient to address the situation have created fertile ground for legislative progress. A potential compromise on immigration policy would likely involve a combination of increased quotas for legal immigration, tougher enforcement of those quotas, and some sort of procedure through which illegal immigrants could eventually apply for US citizenship.

2. Minimum wage. As noted above, Democrats have targeted a significant increase in the national minimum wage, to $7.25 from $5.15 per hour, as part of their initial agenda. A majority in both houses of the current Congress had already supported an increase even before the election, but the deal was never consummated. More than half (26) of the states already have higher minimums, covering a significant portion of the US labor force.

3. Iraq. Iraq policy could see a fundamental shift, with Donald Rumsfeld's departure as Secretary of Defense an indicator of possible changes ahead. The upcoming report by a special commission chaired by former Secretary of State James Baker and former Congressman Lee Hamilton (who also co-chaired the September 11 Commission) could offer both parties political cover for a change of course. This might ultimately reduce the drain on the federal budget from Iraq-related expenditures.

However, compromise is less likely on many other issues. The White House appeared to be considering making entitlement reform its top priority in Bush's last two years in office, but this now seems unlikely given the huge political obstacles and the likelihood that lawmakers' focus will soon turn to the 2008 presidential election. Federal spending is unlikely to be dramatically different, though divided government historically has meant more controlled spending about in line with GDP growth (−0.02 points per year) versus slightly faster (+0.23 points) when government was under control of a single party.

Tax policy seems unlikely to change either. Most important tax cuts don't expire until 2010, and there is little Democrats in Congress can do to alter tax policy, given the likelihood of a Bush veto. In addition, Democrats appear far from unified on repealing many of these tax cuts, and the resulting fiscal tightening would pose temporary downside risks to the economic outlook. There is a small risk that tighter budget rules could force the cost of extending these cuts to be offset by tax increases elsewhere. Most likely, these would come from the closing of corporate ''loopholes'' or other business-related revenue raisers. Relief from the Alternative Minimum Tax (AMT) will be extended, but plans to require the cost of any tax cuts to be offset could put two of the Democrats' priorities in conflict (see this week's center section for a fuller discussion of the fiscal outlook).

More Growth Then, Less Now?

Economic news this week implied that third-quarter growth might turn out to be a bit stronger than initially estimated. In particular, better export performance and lower oil imports resulted in a substantially narrower trade deficit for September—$64.3 billion versus August's downward-revised $69.0 billion shortfall. This, combined with more inventory building than Commerce officials assumed, puts our best guess for third-quarter real GDP growth slightly above 2% (annualized). Upcoming reports on retail sales and inventories could still swing this figure.

However, the market's focus is on the outlook, and here we remain cautious. In theory, the sharp drop in energy prices over the past three months should boost consumer spending in the fourth quarter, but this acceleration has yet to materialize. Early reads on retail sales activity—the official government data are due out Tuesday—suggest that October spending was weak. In fact, we have trimmed 0.2 points from our retail sales estimates, to −0.4% overall and −0.3% excluding autos. Meanwhile, the manufacturing sector will have to begin working off a significant inventory overhang.

The labor market continues to impress. For example, initial jobless claims moved back down near the 300,000 level, implying that last week's rise was a head fake and reinforcing the generally strong tone of the October employment report. Although the labor market is clearly tight at present, we expect job losses—particularly from the housing sector—to begin pushing up the unemployment rate within the next few months.

II. Fiscal Policy: Marking Time Until the Tax Cut Sunsets

Near-term changes in U.S. fiscal policy are unlikely despite the shift in control of the Congress. Key decisions on extending tax cuts are not forced until 2010, after the next election, while any efforts to roll back these cuts before then would surely trigger a presidential veto.

As the tax cut ''sunsets'' approach, the Congress regains power, as legislation will then be needed if the tax cuts are to be extended. The choice will not be easy given the magnitude of the tax increase—about 1½ percent of GDP-that would occur if the tax cuts all expired and its likely impact on near-term growth.

In a simulation exercise, we confirm that this ''do nothing Congress'' scenario would quickly balance the budget but at the cost of a sharp hit to growth in the short term. Farther out, the benefits are higher output and lower inflation and interest rates, at the expense of less consumption—an inevitable price for this decade's tax cuts.

Near-Term Fiscal Policy: No Major Shift

Talk of imminent change in fiscal policy, focused on tax hikes, has surfaced as Democrats have regained control of the Congress. They netted about 30 more seats in the House of Representatives, giving them a comfortable margin. In the Senate, the Democratic margin is much thinner—a 51–49 edge.

However, this shift in control of Congress does not translate into an immediate shift in fiscal policy for four reasons. First, the budget deficit has narrowed sharply over the past two years, as shown in Exhibit 1. This may reduce the sense of urgency in the minds of many lawmakers, and therefore their willingness to strike deals even though the longer-term imbalance remains serious and unresolved. Second, the main components of President Bush's signature tax cuts—enacted with ''sunsets'' to contain their budget impact—do not expire until the end of 2010. Hence, the thorny issue of extending these cuts need not be addressed until after the next Congress (and president) is elected in 2008. Third, any effort to roll back these cuts before their scheduled expiration would almost surely trigger a presidential veto, which the Congress could not override, and it would provide the GOP with an election issue to boot. Therein lies the fourth reason, that the impending 2008 presidential election will limit the time and scope for meaningful progress.

Similar logic applies to the spending side of the ledger, where any efforts to trim outlays for defense or homeland security would be fraught with political risk. Our working assumption is that total spending on national security will not change much, although the composition might shift; for other discretionary spending we expect gridlock between a Democratic majority that would like to restore some programs and a Republican president whose veto pen will suddenly be full of ink. The same probably holds for Democrats' announced intention to push for direct negotiation of Medicare prescription drug prices.

One issue the new congressional leadership will face is how to handle the various tax measures whose renewal has become an annual ritual in recent years. By far the largest of these is the temporary fix of the alternative minimum tax (AMT), without which the number of taxpayers affected by this obscure tax calculation would soar. Although renewing the AMT would boost the deficit by an estimated $65 billion for fiscal year (FY) 2008, it enjoys bipartisan support. This is because many of its unsuspecting victims live in ''blue'' states. Hence, the new Congress will probably find some way to make it happen and pass most of the other ones (another $16 billion) as well. In doing so, the Democrats risk compromising another objective they have championed in recent years, namely to reinstate pay-as-you-go (PAYGO) rules for federal budget legislation. Unlike the administration and the current congressional leadership, who favor PAYGO only for outlays, Democrats have pushed to have these rules apply to taxes as well. Notably, the decision to resurrect PAYGO does not require the president to sign off, as it can be implemented simply as part of the budget resolution. Hence, an early test of the Democrats' resolve to control the budget deficit will be whether they restore PAYGO or something similar and, more critically, whether they adhere to it.

2010: A Year of Wreckoning?

On balance, our expectations for significant change in fiscal policy during the next two years are low. Thereafter, the calculus changes radically as the 2010 sunsets approach. Absent legislative action, the tax

code essentially reverts to its pre-2001 provisions on January 1, 2011. Marginal tax rates on ordinary income rise significantly, dividend income loses its special treatment, the capital gains tax rate goes back to 20 percent, the marriage penalty reappears, the child tax credit drops, and the estate—oops, death—tax springs back to life.

One implication of this situation is that the initiative reverts to Congress, specifically the one to be elected in 2008. It can opt for fiscal balance simply by doing nothing and letting the tax cuts expire, or it can pass legislation to extend any or all of the cuts. Although the president—whoever that may be—obviously still has the right of veto, he/she obviously cannot reject a bill that has not reached his/her desk.

More importantly, the stakes are high, as the sunsets potentially telescope into one year the reversal of tax cuts implemented in various stages between mid–2001 and early 2004. According to Congressional Budget Office (CBO) estimates, tax revenue would rise by $236 billion between FY 2010 and FY 2012 if all of the tax cuts were to expire. Scaled to the estimated size of the economy at that time, this is a fiscal drag of about 1½ percent of GDP.

Even the most die-hard fiscal hawks are apt to think twice about the implications of this for the near-term performance of the economy. After all, a tax increase of this magnitude, imposed all at once, would likely throw the economy into recession. How bad would it be, and what would the benefit be in terms of budget improvement and longer-term economic performance?

Costs and Benefits of Letting Tax Cuts Expire

To provide some perspective on these questions, we simulated the effects of allowing all the tax cuts to expire as scheduled—or, to twist Harry Truman's famous phrase, a ''do nothing Congress'' scenario. Specifically, using the Washington University Macroeconomic Model (WUMM), we reset taxes to their 2000 levels, grossed them up slightly to match CBO's estimate of the revenue impact of letting the tax cuts expire, and allowed for appropriate monetary policy response. On the latter, we assume that the Fed follows a rule calling for rate cuts when output falls below its trend and rate hikes when inflation is above its ''comfort zone.''

Exhibit 2 illustrates the main results of this exercise, showing how key variables would diverge from a status quo forecast in which the tax cuts are extended. The results are as follows:

Reversing the tax cuts quickly closes most, if not all, of the fiscal deficit. The immediate effect is to cut the deficit by about 1½ percent of GDP, as shown in the top panel of Exhibit 2. This is about three-fifths of the shortfall we currently project for FY 2011, based on assumptions we consider realistic. Under the more restrictive assumptions underlying the CBO's baseline projections, the budget comes very close to balance, as indicated in that agency's latest budget update as well as its estimates that extending the tax cuts would boost the deficit by 1.6 percent of GDP relative to its baseline.

More budget progress occurs in the out years. The budget improvement persists and even increases over time without further changes in tax law. This reflects the beneficial effects of a sharp reduction in interest expense, which results both from reduced borrowing and lower interest rates. Five years out, the budget improvement swells to about 2½ percent of GDP, covering about three-quarters of our projected deficit and putting the budget into modest surplus under the CBO assumptions.

The economy suffers a lot of short-term pain. The jump in taxes on January 1, 2011 squeezes disposable income and hence consumption. This feeds through to the rest of the economy, sharply curtailing growth and prompting an aggressive easing in monetary policy. The lower two panels of Exhibit 2 lay out the major elements of the macroeconomic story.

In the fIrst quarter of 2011, real GDP growth drops more than 3 percentage points below what it would otherwise be. Absent a strong tailwind to growth from some other source, this would almost surely mark the onset of a recession. In an effort to resuscitate demand, the Fed immediately cuts the federal funds rate, bringing it 250 basis points (bp) below the status quo level over the next year and one-half, as shown in the bottom panel of Exhibit 2. Despite this, output growth remains well below trend over that period, putting downward pressure on inflation as slack in the economy increases. Inflation drops by 150 bp during the sag in growth before coming back up as the monetary stimulus pushes output back toward, and eventually above, trend.

In the longer run, economic growth benefits from ''crowding in.'' When the government runs a large deficit, ''crowding out'' occurs in the capital markets: Its borrowing, backed by the power to tax, takes priority over private borrowing and therefore denies some companies the funds they need for investment that is usually more productive than the government's use of the funds. As a result, growth suffers and real interest rates rise.

The opposite occurs in our simulation. Restoring better balance to the government's books reduces the deficit and hence the growth in its debt. This frees funds that now flow to the private sector allowing the capital stock to grow more rapidly and pushing down interest rates. As shown by the gap between the lines in the bottom panel, real interest rates end up substantially lower. This, eventually, raises output by about 1 percent above the level that would have prevailed without the tax increase.

At first glance, this seems like a straightforward case of short term pain (recession) leading to longer term gain (higher output). Unfortunately, this assessment is a bit too optimistic. Although output is higher than it otherwise would be, consumption is lower. Since the 2001 tax cuts helped thrust the budget back into deficit, the federal government has borrowed to fund its spending and, via the tax cuts, some consumer spending as well. A reversion in 2011 to higher taxes simply recognizes that fact and starts paying off the debt. If instead Congress chooses to maintain the cuts, they just push the due date for the 2000s spending bill even further into the future. In that case, the ultimate payment—the drop in consumption—would be even higher.

[From TCSDAILY, Feb. 6, 2007]

HILLARY CLINTON AND RECESSION OF 2011

(By James Pethokoukis)

How predictable. The fiscal 2008 budget that President Bush put forward yesterday gets slammed for being unrealistic—if not downright mendacious. If the $2.9 trillon proposal actually got enacted as written—doubtful given that Bush is dealing with a Democratic-controlled Congress—the plan would theoretically balance the budget by 2012. As Team Bush crunches the numbers, the U.S. government would run a $61 billion surplus in 2012 year after running tiny deficits in 2010 ($94.4 billion, or 0.6 percent of GDP) and 2011 ($53.8 billion, or 0.3 percent of GDP). All that while permanently extending the 2001 and 2003 tax cuts due to expire in 2010.

Of course, journalists and think-tank analysts had barely scanned the budget when critics started pointing out its supposed flaws. Among them: the budget assumes more upbeat economic conditions—and thus more tax revenue—than does the forecast from the Congressional Budget Office. (In 2011 and 2012, the White House forecasts 3.0 percent and 2.9 percent GDP growth vs. 2.7 percent for each of those years by the CBO.) As the liberal Center on Budget and Policy Priorities puts it, ''The budget employs rosy revenue assumptions; it assumes at least $150 billion more in revenue than CBO does for the same policies.''

Indeed, the CBO viewed by the inside-the-Beltway crowd as the impartial umpire of all budget disputes—also predicts a balanced budget by 2012. The catch is that it assumes the Bush tax cuts are repealed leading to a surge of revenue in 2011 and 2012. It forecasts that the budget deficit would drop from $137 billion in 2010 to just $12 billion in 2011. And in 2012, the budget would move into the black with a $170 billion surplus. Yet if the Bush tax cuts are extended, CBO predicts total deficits of $407 billion in 2011 and 2012 and then continuing thereafter.

No wonder Democratic presidential candidates are finding it so easy to pledge or strongly hint that if they are sitting in the White House in 2010, they will veto any effort to extend the tax cuts. One can easily envision President Hillary Rodham Clinton harking back to her husband Bill's 1993 tax hikes and economic success as historical justification for a repeat performance. Deficits are often used as reason for higher taxes, such as in 1993 and 1982. But to believe in higher taxes as sound economic policy in coming years, you also have to believe in the CBO's cheery forecast that hundreds of billion of dollars in new taxes will have little or no effect on economic growth.

Now you don't have to be an acolyte of supply-side guru Arthur Laffer to find that sort of ''static analysis'' a little weird. Most Americans probably would. So, apparently, did the economic team at Goldman Sachs, the old employer of Robet Rubin, President Bill Clinton's second treasury secretary. Thus the firm's econ wonks decided to try and simulate the real world effect of letting the Bush tax cuts expire at the end of 2010. Using the respected Washington University Macro Model, Goldman reset the tax code to its pre-Bush status, assumed all tax cuts expired, and watched how the economy reacted as 2011 began. What did the firm see? Well, in the first quarter of 2011 the economy dropped 3 percentage points below what it would have been otherwise. ''Absent a tailwind to growth from some other source,'' the analysis concludes, ''this would almost surely mark the onset of a recession.''

So actually it's CBO's economic forecast, not Bush's that is overly, optimistic about future economic growth. But wouldn't the Federal Reserve jump in and cut interest rates, offsetting the fiscal drag of the tax hikes with easy monetary policy? The Goldman Sachs experiment assumes it would, but WUMM still shows the economy sinking;

''In an effort to resuscitate demand, the Fed immediately cuts the federal funds rate, bringing it 250 basis points below the status quo level over the next year and one-half. . . Despite this, output growth remains well

below trend over that period, putting downward pressure on inflation as slack in the economy increases.''

And guess what? A recession would throw CBO's carefully calculated tax revenue assumptions out the window. Indeed, the CBO admits that recessions in 1981, 1990 and 2001, ''resulted in significantly different budgetary outcomes than CBO had projected few months before the downturns started.''

Of course, it's been the history of tax increases that they tend not to bring in as much revenue as originally predicted. President Rodham Clinton or President Obama or President Edwards would likely find the same budgetary disappointment—and then have to explain to an angry American public during the 2012 election season why their president decided to plunge the economy into a recession.

Mr. GRASSLEY. The Goldman Sachs study was clearly not written by cheerleaders for tax relief; indeed, the authors seemed to share the point of view of many in this Chamber that a cut in spending is not an option. The authors regard an eventual drop in consumption as a forgone conclusion of tax relief and equate it with the necessity to pay back what had been borrowed over the previous decade. At the very least, the study says: ''The economy suffers a lot of short-term pain.''

Congress needs to act to extend or make permanent tax relief enacted in 2001 and 2003 or we risk plunging the country into a frivolous recession. I say frivolous because the recession will be the result of vanity on the part of those who use balancing the budget as a cover for tax-and-spend politics.

More cause for concern of the impact of tax increases comes to us from China. I am sure everyone is aware that the Shanghai Composite Index lost 8.8 percent of its value this past Tuesday. According to various news reports, including a dispatch from the Associated Press, a factor in the drop may have been rumors that a capital gains tax on stock investment was in order.

I ask unanimous consent that an ABC NEWS article entitled ''Shanghai Shares Rebound Nearly 4 percent'' be printed in the RECORD.

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

SHANGHAI SHARES REBOUND NEARLY 4 PERCENT

(By Elaine Kurtenbach)

SHANGHAI, CHINA.—Chinese stocks recovered Wednesday following their worst plunge in a decade as regulators shifted into damage control, denying rumors of plans for a 20 percent capital gains tax on stock investments.

The Shanghai Composite Index gained 3.9 percent to 2,881.07 after opening 1.3 percent lower. On Tuesday, it tumbled 8.8 percent, its largest decline since Feb. 18, 1997.

Bullish comments in the state-controlled media appeared to reassure jittery domestic investors, who account for virtually all trading.

China will focus on ensuring financial stability and security, the official Xinhua News Agency cited Premier Wen Jiabao as saying in an essay due to be published in Thursday's issue of the Communist Party magazine Qiushi.

Markets across Asia were still rattled, with many falling for a second day. Japan's benchmark Nikkei Index sank 2.85 percent, while stocks in the Philippines tumbled 7.9 percent. Malaysian shares fell 3.3 percent, while Hong Kong's market fell 2.5 percent.

On Tuesday, concerns about possible slowdowns in the Chinese and U.S. economies sparked Wall Street's worst drop since the Sept. 11, 2001, terror attacks. The Dow Jones industrial average lost 416 points, or 3.3 percent.

Analysts said they expected China's stock market to stabilize and keep climbing over time although further near-term declines were possible given concerns that prices may have risen too precipitously in recent months.

Tuesday's ''sell-off does not reflect any fundamental change in the outlook for China's economy,'' Yiping Huang and other Citigroup economists said in a report released Wednesday. ''A sharp contraction in excess liquidity that would reinforce damage in the stock market remains unlikely,'' it said.

China's big institutional investors are all state-controlled and would be unlikely to sell so heavily as to completely reverse gains that more than doubled share prices last year. With a key Communist Party congress due in the autumn, the authorities have a huge stake in keeping the markets on an even keel.

''They are acting now to nip a nascent bubble in the bud,'' says Stephen Green, senior economist at Standard Chartered Bank in Shanghai, adding that it's a challenge given generally bullish sentiment and the massive amount of funds available for investment.

''So they have to somehow calibrate the rhetoric and policy actions to keep a lid on this, while not triggering a collapse,'' Green says.

One option is a capital gains tax on stock investments. Rumors that such a tax may be enacted are thought to have been one factor behind Tuesday's sell-off.

But the Shanghai Securities News ran a front-page report denying those rumors. The newspaper, run by the official Xinhua News Agency and often used to convey official announcements, cited unnamed spokesmen for the Ministry of Finance and State Administration of Taxation.

China has refrained from imposing a tax on capital gains from stock investments, largely because until last year the markets were languishing near five-year lows. The Shanghai Securities News report cited officials saying that the government had little need to impose such a measure now, given that tax revenues soared by 22 percent last year.

The exact cause of Tuesday's decline in China was unclear, given the lack of any significant negative economic or corporate news.

Some analysts blamed profit taking following recent gains: the market had hit a fresh record high on Monday, with the Shanghai Composite Index closing above 3,000 for the first time.

Others pointed to comments by former Federal Reserve Chairman Alan Greenspan, who warned in remarks to a conference in Hong Kong that a recession in the U.S. was ''possible'' later this year.

Adding to those factors was a persisting expectation that China might impose further austerity measures, such as an interest rate hike, to cool torrid growth: China's economy grew 10.7 percent last year the fastest rise since 1995 and most forecasts put growth at between 9.5 percent and 10 percent this year.

China's markets took off after a successful round of shareholding reforms helped alleviate worries over a possible flood of state-held shares into the market. Efforts to clean up the brokerage industry and end market abuses also helped.

Their confidence renewed, millions of retail investors began shifting their bank savings into the markets in search of higher returns last year. Strong buying by state-controlled institutional investors and overseas funds also helped.

China still limits foreigners' purchases of the yuan-denominated stocks that make up the biggest share of the markets, though that is gradually changing as regulators allow increasing participation by so-called qualified foreign institutional investors.

Stocks have shown unusual volatility this year, with the Shanghai index notching one-day drops of 4.9 percent and 3.7 percent already this year before recovering to hit new records.

But there are limits to how far shares are allowed to drop in a single trading day: total single-day gains and losses are capped at 10 percent.

Mr. GRASSLEY. The same AP report notes that regulators have already denied those rumors and that the Shanghai Securities News ran a front page report to the same effect yesterday. Incidentally, the Shanghai Composite Index gained 3.9 percent yesterday.

I think the Chinese regulator's swift debunking of rumors that a capital gains tax was going to be enacted shows the negative impact such a tax could have on growing markets and expanding economies.

As I have said before, what is missing from the debate on extending tax cuts and clearly missing from the reasoning of the authors of the Goldman Sachs study is the option, and necessity, of reducing Government spending. The right thing to do is to let Americans keep as much of their own money as we can and not seize it from them to promote special interests, encourage high-priced lobbyists or give free rein to the big city press to tell everyone else what to do.

It is often said by the Democratic leadership that tax cuts are not free. That statement is true. Tax cuts score as revenue losses under our budget rules. What is equally true, if you listen to economists and, more importantly, the American taxpayer, is that tax increases are not free as well. Taxpayers have to write a check to Uncle Sam.

Tax increases change taxpayer behavior. Tax increases will affect work, investment, and other economic activities. From an economic policy standpoint, tax increases, especially those that are used to cover more Government spending, have a policy cost. Tax increases are not free to the taxpayers and are not free to a growing economy.

So I would ask that the Democrat leadership, as they draw up their budget resolution, to hopefully keep this in mind. Tax increases have consequences to the American taxpayer and consequences to the American economy.

U.S. SENTENCING COMMISSION NOMINATIONS

Mr. LEAHY. Mr. President, I thank the majority leader for his help in connection with the confirmation of members to the Sentencing Commission. I

am glad a cloture petition turned out not to be necessitated by anonymous Republican opposition and delay but regret that it has taken so long and so much attention to follow through on this matter.

Last night, the Senate finally considered and confirmed the President's nomination of Beryl Howell to a second term on the U.S. Sentencing Commission. We also proceeded with the confirmation of the nomination of Dabney Friedrich, a former staffer of Senator HATCH and associate White House counsel.

Last month, the President finally sent these nominations to the Senate to fill preexisting vacancies on the U.S. Sentencing Commission. Both these nominees were serving on the Commission, having been recessed appointed by the President in the last month of the 109th Congress. Regrettably the White House had delayed for many months making the nominations last year. Had the President sent the Senate these nominations in a timely fashion, their recess appointments would not have been necessary and we could have confirmed both of these nominees in the last Congress.

The nonpartisan nature of the Sentencing Commission is preserved by making sure its membership is balanced and includes experienced Commissioners who stick to the merits and command the respect of both Congress and the Judiciary. I look forward to the President nominating such a person on the recommendation of the ranking Republican member of the Judiciary Committee so that the final vacancy may be appropriately filled.

Commissioner Howell graduated from Bryn Mawr College and Columbia University School of Law, clerked for Judge Dickinson R. Debevoise on the U.S. District Court for the District of New Jersey. She served with distinction as a Federal prosecutor in the U.S. Attorney's Office in the Eastern District of New York, earning a number of commendations for her work. She later served for almost 10 years as a member of the Senate Judiciary staff. She earned the respect of Senate and House Republicans and Democrats. Besides now serving as a member of the Sentencing Commission, she is also managing director and general counsel of the Washington, DC, office of Stroz Friedberg, LLC, one of the leading cybersecurity and forensic firms in the country.

Commissioner Friedrich assumes her post having served in the White House counsel's office and having previously served on Senator HATCH's Senate Judiciary Committee staff. I believe her husband is a political deputy in the Criminal Division of the Department of Justice. I wish her well in her new position.

The Sentencing Commission has important work to do. Federal judges are still wrestling with the Booker decision, which made the Federal Sentencing Guidelines advisory, rather than mandatory, and the Commission is once again preparing a report to Congress on the unjust disparity of crack versus powder cocaine sentencing.

I congratulate the nominees and their families on their confirmations last night.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 4, 2002, in Cortez, CO, 16-year-old Fred Martinez, described as a transsexual Navajo, was brutally beaten to death by Shaun Murphy. Murphy received a sentence of 40 years for his crime. According to affidavits filed in Montezuma County Court, Murphy bragged to friends in the days after Martinez's slaying that he had ''beat up a fag.''

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PEACE CORPS VOLUNTEERS

Mrs. BOXER. Mr. President, early one October morning in 1960, Senator John F. Kennedy stood on the steps of the University of Michigan Union and challenged a group of students to serve their country by living and working abroad. Today I rise to commemorate the service of 187,000 Americans, young and old, who have met that challenge.

From Armenia to Zambia, Peace Corps volunteers have lived and worked in 139 countries around the world for the past 46 years. They act as ambassadors of our goodwill and promote a world of peace and friendship. Historically, more Peace Corps volunteers have come from California than any other State indeed, 25,467 Peace Corps volunteers have hailed from my State. Today, I am proud to represent 768 Peace Corps volunteers currently working abroad.

In their work as teachers, business advisors, information technology consultants, agriculture and environmental specialists, and health educators; Peace Corps volunteers have not only met the needs of the individuals and communities who are their hosts, but also promoted a better understanding of Americans.

After almost five decades, the mission and goals of the Peace Corps are as vital and relevant as they were the day of its establishment. In an age when fear, misunderstanding, and blind prejudice can breed aggression and hate, more than 20 percent of Peace Corps volunteers are working in predominantly Muslim countries.

In the past 10 years, the Peace Corps has expanded to meet new humanitarian challenges, sending Returned Peace Corps Volunteers to serve in the Crisis Corps. These extraordinary men and women have been deployed to tsunami-ravaged regions in Sri Lanka and Thailand, to Guatemala after Hurricane Stan, and 272 Returned Peace Corps Volunteers joined in disaster relief efforts along the gulf coast following Hurricane Katrina.

Finally, I would like to recognize the Returned Peace Corps Volunteers who have been participating in National Peace Corps Week. By sharing their experiences, these Returned Peace Corps Volunteers are fulfilling the third goal of the Peace Corps, to ''strengthen Americans' understanding about the world and its peoples.''

Mr. COLEMAN. Mr. President, it is with great pride that I extend my congratulations to the Peace Corps on the occasion of its 46th anniversary this week. I know that in doing so I join a countless number of past and present Peace Cops volunteers in commemorating the fruitful history of the organization.

Since the establishment of the Peace Corps over four decades ago, its volunteers have served as unofficial U.S. Ambassadors, representing the best of what America has to offer abroad. Their mission could not be more important than it is right now, during a time when our nation is so misunderstood in many parts of the world. With its global presence and tangible impact, the Peace Corps has worked to combat misperceptions about what America stands for and reaffirm American values. I have no doubt that these good deeds on behalf of others have made a tremendously positive impact on the communities in which our Peace Corps volunteers serve.

I am a strong believer in investing in cross-border relationships through programs such as the Peace Corps, which places American volunteers in the heart of communities throughout all corners of the world. Who knows how the interaction and good works completed by Peace Corps volunteers will change the world as a result? Perhaps the example set by a Peace Corps volunteer will correct a distorted perception, or prevent someone from sliding into hatred and extremism. Perhaps an American volunteer will acquire a new understanding of the needs in other parts of the world which will lead to a critical humanitarian intervention. The Peace Corps, through the impact on the community and the volunteer, is a win-win investment in stability.

The Peace Corps has a daily direct impact by meeting the needs of foreign

communities with its volunteers serving as teachers, business advisors, information technology consultants, agriculture workers, and HIV/AIDS educators. Indeed, these services directly contribute to the strategic priorities of our national security, because addressing poverty and public health issues helps promote global stability. As one of many examples, today the Peace Corps volunteers are playing an important role in implementing President Bush's Emergency Plan for AIDS Relief.

In recent years the Peace Corps has increased in size, in response to a growing need for its services. I am happy to see that it has over 7,700 volunteers working in 73 countries, and hope it continues to expand its reach.

I am especially proud of the Minnesota volunteers who are currently serving around the world, of which there are currently over 200. To them, and to the over 5,000 returned Minnesotan volunteers, I want to express my heartfelt thanks, for their great efforts to spread Minnesotan values of dedication, integrity, and hard work to another part of the world. Among these veterans is Mr. Robert Tschetter, the current director of the Peace Corps and one of my constituents. I was honored to help confirm Mr. Tschetter during my tenure as the chairman of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs.

A medieval Spanish Rabbi named Maimomedes said he believed that the world is held in balance between good and evil and a single act of goodness and virtue tips the balance. I believe that the actions made by Peace Corps volunteers all over the world work to tip the balance towards good everyday. It is because of this belief that I have consistently been a strong supporter of the Peace Corps. Again, I would like to express my deepest admiration and best wishes to the Peace Corps leadership and its volunteers. Thank you for making the world a better place.

SELECT COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Rules of Procedure of the Select Committee on Intelligence be printed in the RECORD pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate.

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

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under

oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely his or her reputation may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt or that the subpoena be otherwise enforced, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. ''Committee sensitive'' means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or, in the event of the Committee's termination, the Senate of any request for his or her testimony, either during his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered by them, measures referred to the Committee shall be referred by the Chairman and Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

DIGNITY FOR WOUNDED WARRIORS ACT

Ms. SNOWE. Mr. President, I rise today as a proud cosponsor of the Dignity for Wounded Warriors Act. While reading the recent news reports regarding the situation at Walter Reed Army Medical Hospital, I was incensed when I discovered that our brave men and women who have risked their lives in service to our country are currently convalescing under conditions that are nothing less than disgraceful—and, frankly, disrespectful of all who so honorably wear our Nation's uniform. This abomination is a far cry from the timeless words of President Theodore Roosevelt, who once said that ''a man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards.''

I applaud Senators OBAMA and MCCASKILL for swiftly responding to these shameful revelations by introducing this legislation at a time when more than 600,000 courageous service men and women have returned from combat in both Iraq and Afghanistan. In the past, Senator OBAMA and I have worked in a bipartisan manner to bolster the military's ability to detect and treat traumatic brain injury, reduce the claims at the Veterans Benefits Administration, VBA, and most recently, we have fought to improve the ability of the Department of Veterans Affairs to provide Congress with an accurate assessment of returning veterans health care and benefits needs. I also appreciate Senator MCCASKILL's advocacy on this issue, and I look forward to working with her in the future.

During the past few weeks, the Washington Post has reported in scrupulous detail the dire and startling conditions at recuperation facilities used by Walter Reed Army Medical Center—the very facility replete with moldy walls, broken elevators, bug infestation, a lack of support programs, and general disrepair. These confines are not even habitable, not to mention acceptable, in any way, shape or form for the provision of health care to America's finest. Above all, such degrading medical quarters ultimately send the wrong message to our troops who have risked their lives in defense of our country that somehow they are fit and capable enough to serve us but not enough for us to serve them. Although the Walter Reed Army Medical Hospital has remained the preeminent health facility for wounded and recovering service members ever since the admittance of its first patients on May 1, 1909, these recent news reports have uncovered blatant defects in U.S. military health facilities that must be fixed immediately.

In order to ensure that these stalwart Americans receive the treatment they have earned and that is unquestionably well deserved, this legislation will establish stringent standards for military outpatient housing, requiring that concomitant dormitories match the existing services standard for Active-Duty barracks, and mandating that all requests for repairs be completed within 15 days or alternate housing must be offered. Additionally, recent reports have revealed Walter Reed Army Medical Hospital's lack of support counseling to assist troops and their families in times of need. To alleviate these concerns, our legislation will require an emergency medical technician, EMT, and a crisis counselor at all outpatient residences, while creating an inspection team to ensure that high-level military officials are aware of all problems occurring at medical facilities, including those related to personnel and maintenance.

Furthermore, the Dignity for Wounded Warriors Act will help solve recent problems regarding the overwhelming workloads for military caseworkers, which have, unfortunately, left countless service members helpless. This legislation will not only increase the number of caseworkers at military outpatient facilities but will establish an interim ratio of one caseworker and one supervising noncommissioned officer for each 20 recovering service members, while requiring staff training for the identification of mental illness and suicide prevention.

This legislation will also address the processing delays for troops who seek a determination for their military status and disability level, which on average, takes as long as 7 months. This legislation would bring the Physical Disability Evaluation System under one command in order to reduce lengthy bureaucratic delays that have left even the most severely injured service members without a health determination for unnecessary lengths of time.

Family members also carry a large burden for the sacrifices made by their loved ones in uniform. In order to ease the burdens of the health care process for these families, our legislation creates two 24-hour crisis counseling and family assistance hotlines and requires the creation of a single manual for outpatient care procedures, which will allow families to access all of the information they need to help care for their loved one. Sadly, family members are often forced to decide between attending to their loved one or keeping their job—a decision that no family member of our courageous troops should ever have to make. Therefore, this legislation provides Federal protections for the jobs of family members who are caring for a recovering service member, while extending medical care to family members who are living at military treatment facilities.

And finally, one of the underlying concerns of the revelations at Walter Reed Army Medical Hospital was the lack of accountability and oversight at a facility which houses thousands of heroic Americans. This legislation would create a Wounded Warrior Oversight Board appointed by congressional leadership who will supervise the implementation of this legislation's provisions and serve as an advocate for all recovering service members in the future.

The obligation of this country to its veterans is sacred and solemn and one that must be fulfilled every day. We should strive to put into action the words of President Lincoln that we must "care for him who shall have borne the battle . . ." Since the attacks of September 11, millions of valorous American men and women have fearlessly and honorably answered the call to service. Congress must now do its duty and everything in its power to vigorously extend the finest medical treatment and care possible to troops upon their return—attention that is worthy of their tremendous and immeasurable contributions to us all.

Once again, I am pleased to join Senators OBAMA and MCCASKILL in introducing the Dignity for Wounded Warriors Act because I believe it is crucial for Congress to provide our Nation's veterans with a guarantee that they will never have to worry about dilapidated living conditions in military hospitals ever again, and I urge my colleagues to voice their support.

TRIBUTE TO DAN CREGER

Mr. THOMAS. Mr. President, I rise today to pay tribute to a hard working, respected young man, Mr. Dan Creger. Dan is from Casper, WY, and has proven that in spite of his disabilities, one man can have a great impact.

Dan was born with arthrogryposis, a condition that causes multiple joint problems and limits the range of motion of a joint. As a result of this disease, Dan has spent most of his life in a wheelchair. Despite his disability, Dan refuses to be held back, relying not on public assistance but rather on his determined spirit and the support of friends and family to achieve his daily successes.

Dan worked for the Bureau of Land Management for 20 years. Recently the BLM honored his service by presenting him with the Honor Award for Superior Service. Casper Field Office Manger, Jim Murkin said, "Dan is a Go to Guy! He is someone who you can depend on to get a job done. He always wants to stay busy. He hates doing nothing. He is a great asset to the BLM."

Four years ago Dan began working at the National Historical Interpretive Trails Center in Casper. The director of the center, Jude Carino, says that Dan "always has a smile. He always has good things to say about people, and he doesn't complain." At the center Dan greets visitors, answers questions and leads tours for schools and other organized groups. In 2006 he assisted 8,000 visitors, and guided nearly 2,000 schoolchildren through the facility.

A volunteer for the National Historical Interpretive Trails Center said, "I have learned a lot from Dan in how to guide guests through the center. He is a wealth of knowledge and has a great sense of humor."

Dan's life was thrown another curve when last summer he was diagnosed with esophageal cancer. But through it all he continues to have a positive attitude. Dan said that when he was first told about the cancer he felt both sadness and anger, but soon he decided that this was just another challenge for him to deal with. He said, "I've tried to go on with my life and take it day by day."

A friend of Mr. Creger summed it up best when he said, "In my eyes, Dan is a man of courage that stands 6 feet tall. He lives his life as any productive member of society and pushes aside any thought of pity for himself. He doesn't let his physical limits or the threat of cancer keep him from achieving his goals in life. In this way, Dan is better than many men who face lesser challenges in life. I am proud to know Dan and be his friend."

It is obvious that Dan is a good, hard-working man who refuses to let life's challenges stand in his way. Dan Creger is an inspiration to all of us, and I am honored to share his story.

HONORING EARL B. OLSON

Mr. COLEMAN. Mr. President, we take this floor at different times for different reasons, to debate bills and talk about the condition of our country and its future. At times, we tend to exaggerate the importance of the laws we pass to the progress of our society. I say that because there is no law to make people do the most important things: love their families, sacrifice for their communities, or create a legacy that will last for generations.

Today I rise to honor a great man who did those things and changed life on the Minnesota prairie for thousands of people who maybe never even heard his name. Today I want to pay tribute to the life and legacy of Earl B. Olson, an innovator for Minnesota agriculture, a leader in the Nation's turkey industry, and a man of great faith.

There is a passage in the Book of Isaiah that truly captures his life. In the midst of difficult times for Israel, it talks about a future day of blessing when God will:

> . . . bestow on them a crown of beauty instead of ashes, the oil of gladness instead of mourning, and a garment of praise instead of a spirit of despair. They will be called oaks of righteousness, a planting of the LORD for the display of his splendor.

If ever there was an ''oak of righteousness,'' it was Earl Olson, who brought beauty, gladness, and praise to the hearts of many.

Earl Olson founded the Jennie-O Turkey Store in 1949. At that time, the Minnesota turkey industry was a tiny fraction of what it is today. Currently, Jennie-O is the largest turkey company in the United States, with Minnesota leading the Nation in turkey production.

Born on May 8, 1915, Earl was the son of Swedish immigrants. He grew up on a farm outside of Murdock, MN, and attended the West Central School of Agriculture in Morris, MN, graduating in 1932.

Earl's first job, at the age of 17, was at the Murdock Cooperative Creamery. Within 1 year, he became the manager of Swift Falls Creamery.

As the story has been told, one day a woman came into the Swift Falls Creamery to purchase some ice. As Earl was chopping away at a small block of ice, another employee spilled 100 gallons of scalding hot water on him, burning much of his body and sending him to the hospital. Fortunately, the company had health insurance and Earl was compensated with $1,000. With this money, Earl began his empire by purchasing 300 turkeys. After earning a dollar for each turkey, Earl soon began purchasing more. Fifteen years later, Earl found himself selling a half million turkeys annually. By 1970, Jennie-O turkeys were being sold across the entire Nation. Earl B. Olson saw the impossible as an opportunity; he turned a tragedy into a success.

Faith was always a central part in the life of Earl Olson. When Earl was young, he and his family were founding members of the Bethesda Lutheran Church. Earl was later a member of Vinje Lutheran Church and helped lead the church's efforts in building a new facility. Throughout his life, his generosity helped countless troubled youth and prison inmates find their path to a better life. He always found time and resources to help people in their time of need.

Earl undertook many leading roles in the turkey industry. He served as the president of the Minnesota Turkey Growers Association, director of the National Turkey Federation, and director of the National Poultry and Egg Association.

This past spring, I was privileged to have lunch with Earl. Even at the age of 90, I found him sharp and forward-looking. We had an engaging conversation about the future of the Minnesota turkey industry and the health of the Minnesota agricultural economy. It was an inspiration to still see the passion in his heart.

Today, Jennie-O Turkey employs nearly 7,000 people and creates more than 1,500 products. Minnesota has been truly blessed to have a visionary leader like Earl B. Olson live in Minnesota and work to make our State a better place.

America has many assets: abundant natural resources, good systems of health and education, and a great democratic tradition of the rule of law. We can never forget though, that part of our greatness comes from the ''oaks of righteousness'' among us. I am thankful to have known one: Earl B. Olson, who helped make Minnesota great.

ADDITIONAL STATEMENTS

IN MEMORY OF DEANNE STONE

• Mr. LIEBERMAN. Mr. President, today I speak to the memory of Deanne Stone of Framingham, MA, a dear friend of mine who passed away on Sunday, February 4, at the age of 67. I am deeply saddened by Deanne's death and will keep her friends and family in my thoughts and prayers during this difficult time.

Those of us who were lucky enough to know Deanne could not help but be touched by her kind and generous spirit. Throughout the town of Framingham, where she lived for 46 years after marrying her husband Harvey, she was known for being willing to help anyone who asked. Mr. Stone recently told the Boston Globe that one young man recently approached him to tell him that whenever he needed help with a school project, he knew that Mrs. Stone would be the best person to whom to go.

In addition to always being willing to help her friends and neighbors, Deanne was also involved with many philanthropic efforts. Deeply inspired by her Jewish faith, Deanne believed in the power of individuals to make a difference through community service. To this end, she worked for numerous charitable organizations, developing a reputation as a dedicated and prodigious fundraiser. Throughout her career, Deanne worked for both the Combined Jewish Philanthropies of Greater Boston and B'nai B'rith International, for which she served as regional director for New England.

Deanne was also deeply involved with various educational organizations. She worked with both the Maimonides Jewish Day School in Brookline, MA, and the Weizmann Institute of Science in Israel. She also worked with the Foundation for Children's Books, a Boston-based organization dedicated to promoting literacy among young children in the hope of instilling in them a love of reading and learning. Deanne was inspired to get involved with this organization while visiting schools in Roxbury, MA. Deanne would interact with the students, be amazed at how intelligent they all were, and wondered why many of them were not succeeding in the classroom. She believed that if these young people could be taught to love reading at the earliest age possible, they might gain a sense of discovery that would inspire them to achieve academically.

Such a dedication toward education is not surprising, coming from someone who was as dedicated a student as Deanne. While attending Weaver High School in Hartford, CT, where she was born and raised, Deanne was involved in numerous extracurricular activities, including a stint as editor of the high school's newspaper. Even with so much on her plate, she was still valedictorian of her high school class in 1957. Five years later, she graduated from the prestigious Brandeis University.

Mr. President, when looking back at the life of a person as warm and altruistic as Deanne Stone, who affected so many people in such a positive way, it is excruciatingly difficult to find the words to sum it up, while also doing Deanne justice. Be that as it may, I believe Deanne's sister, Barbara Gordon, another dear friend of mine, put it best when she wrote in a letter that was read aloud at Deanne's funeral that ''The world will be emptier without my sister Deanne, but the world is a better place for her having been in it for 67 years!'' I couldn't have put it better myself.•

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

> H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

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. 52. Concurrent resolution supporting the goals and ideals of American Heart Month.

ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road in West Vail, Colorado, as the ''Gerald R. Ford, Jr. Post Office Building''.

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office''.

H.R. 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. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building''.

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 enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 800. An act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 52. Concurrent resolution supporting the goals and ideals of American Heart Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 800. An act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–871. A communication from the Deputy General Counsel, Department of Agriculture, transmitting, pursuant to law, the (34) reports relative to vacancy announcements that have occurred within the Department since October 23, 2001 as well as (10) reports of revisions to selected reports submitted on the same date, received on February 28, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–872. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 701—General Lending Maturity Limit and Other Financial Services'' (RIN3133–AD30) received on February 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–873. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the development of a comprehensive plan for the facilities at the Idaho National Laboratory; to the Committee on Energy and Natural Resources.

EC–874. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use of funds under section 1113 of the Social Security Act; to the Committee on Finance.

EC–875. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Depreciation of MACRS Property Acquired in a Like-Kind Exchange for an Involuntary Conversion'' ((RIN1545–BF37)(TD 9314)) received on February 28, 2007; to the Committee on Finance.

EC–876. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Implementation of OMB Guidance on Nonprocurement Debarment and Suspension'' (2 CFR Part 376) received on February 28, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–877. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Comparative Analysis of Actual Cash Collection to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 84. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes (Rept. No. 110–28).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 184, A bill to provide improved rail and surface transportation security (Rept. No. 110–29).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment, and with a preamble:

H. Con. Res. 44. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

S. Res. 78. A resolution designating April 2007 as ''National Autism Awareness Month'' and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

S. Res. 84. A resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

S. Con. Res. 10. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Otis D. Wright II, of California, to be United States District Judge for the Central District of California.

George H. Wu, of California, to be United States District Judge for the Central District of California.

(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. LEVIN (for himself and Ms. STABENOW):

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. LEAHY, Mr. HARKIN, Mr. HAGEL, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 721. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself and Mr. KYL):

S. 722. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. KENNEDY):

S. 723. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes; to the Committee on Armed Services.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 724. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 725. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. FEINGOLD, Mr. BROWN, Mr. OBAMA, Mr. COLEMAN, Ms. STABENOW, and Mr. DURBIN):

S. 726. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. DODD, Mr. AKAKA, Ms. COLLINS, Mr. STEVENS, Mr. LOTT, Mr. SMITH, Mr. ALEXANDER, and Ms. SNOWE):

S. 727. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 728. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

By Mr. SALAZAR:

S. 729. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Ms. MIKULSKI):

S. 730. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. WEBB, Mr. TESTER, and Mr. BUNNING):

S. 731. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 732. A bill to empower Peace Corps volunteers, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 733. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 734. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL):

S. 735. A bill to amend title 18, United States Code, to improve the terrorist hoax statute; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. SMITH):

S. 736. A bill to provide for the regulation and oversight of laboratory tests; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 737. A bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, and Mr. COLEMAN):

S. 738. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. CARDIN, Mr. KERRY, Ms. CANTWELL, and Mrs. LINCOLN):

S. 739. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. LUGAR):

S. 740. A bill to establish in the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes; to the Committee on Finance.

By Ms. COLLINS:

S. 741. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mrs. BOXER, Mr. BAUCUS, Mr. BROWN, Mrs. CLINTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, and Mr. REID):

S. 742. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. DOMENICI, Mr. HAGEL, Mr. GRASSLEY, Mr. CRAPO, Mr. GRAHAM, Mr. ENSIGN, Mr. SMITH, Mr. VOINOVICH, Mrs. CLINTON, Mr. ALLARD, Mr. COLEMAN, Mr. BUNNING, Mr. ISAKSON, and Mr. THOMAS):

S. 743. A bill to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated; considered and passed.

By Mr. McCAIN:

S. 744. A bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 745. A bill to provide for increased export assistance staff in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005 and Hurricane Rita of 2005; to the Committee on Small Business and Entrepreneurship.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DODD, Ms. LANDRIEU, and Mr. CRAPO):

S.J. Res. 4. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LAUTENBERG, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BROWN, Mrs. FEINSTEIN, and Mr. NELSON of Florida):

S. Res. 92. A resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself and Mr. STEVENS):

S. Con. Res. 15. A concurrent resolution authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. COLEMAN, Mr. KERRY, Mr. MARTINEZ, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mr. LAUTENBERG, Ms. COLLINS, and Mr. McCAIN):

S. Con. Res. 16. A concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 93

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 93, a bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

S. 117

At the request of Mr. OBAMA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator

from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. SANDERS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors 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. 214

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 225

At the request of Mr. CRAIG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 225, a bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 367

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) 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. 388

At the request of Mr. THUNE, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 394

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from New York (Mr. SCHUMER) 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. 496

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 496, a bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 535

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 563

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 563, a bill to extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes.

S. 571

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 571, a bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, the products of the People's Republic of China.

S. 576

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 579

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 617

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 634

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 652

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 652, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 671

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that,

not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 272 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 280

At the request of Mr. SALAZAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 280 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 281 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 282

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 282 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, every day across our Nation, families, friends, and entire communities mourn the loss of fallen soldiers, sailors, airmen and marines. Michigan has lost 130 heroes in the wars in Iraq an Afghanistan. One of the most powerful ways we can honor those who have made the ultimate sacrifice for our country is to fly the flag they fought under at half-staff.

At times during the course of these wars, governors around the country have issued proclamations for State agencies and residents to lower our Nation's flag to honor fallen service members from their States. Many Federal agencies in those States comply with such proclamations, but some have not. To a family member, the effect can be that the Federal Government appears not to be paying the proper respect to their loved one.

Today, I am introducing legislation that would prevent this situation by giving governors the explicit authority to order the Nation's flag lowered to half staff when a member of the Armed Forces from their State dies while serving on active duty. It would also require Federal agencies in that State to lower their flags consistent with a governors' proclamation. Congressman Bart Stupak is introducing identical legislation in the House of Representatives.

One of my greatest honors as the chairman of the Senate Armed Services Committee is to spend time with our troops, and they are as courageous, honorable, and capable a fighting force as the world has ever known. These men and women have made a commitment to protect our Nation. We need to make an equally strong commitment to honor them when they make the ultimate sacrifice for our country. We owe our fallen soldiers, their families, and their communities a unified showing of respect.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. LEAHY, Mr. HARKIN, Mr. HAGEL, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 721. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

Mr. ENZI. Mr. President, today I am pleased to introduce the Freedom to Travel to Cuba Act with Senator DORGAN and a number of Senators. This legislation addresses only the travel provisions of our Cuba policy.

The Freedom to Travel to Cuba Act is very straightforward. It states that the President should not prohibit, either directly or indirectly, travel to or from Cuba by United States citizens.

I have had the opportunity to watch what has happened with Cuba through the years and I am reminded of something my dad used to say—if you keep on doing what you have always been doing, you are going to wind up getting what you already got. That has been the situation with the United States policy on Cuba. We have been trying the same thing for over 40 years, and our strategy has not worked. I am suggesting a change to get more people in Cuba to increase the dialogue.

Most of us know that Fidel Castro's health is not good and that he ceded power to his brother Raul last year. I have heard arguments that now is not the time to change our policy toward Cuba, and that by changing policy, we could strengthen Raul's grip on the nation. This is the same argument we have been hearing for the last 40 years, simply a new verse.

When we stop Cuban-Americans from bringing financial assistance to their families in Cuba, end the people-to-people exchanges, and stop the sale of agricultural and medicinal products to Cuba, we are not hurting the Cuban government—we are hurting the Cuban people. We are further diminishing their faith and trust in the United States and reducing the strength of the ties that bind the people of our two countries.

If we allow travel to Cuba, if we increase trade and dialogue, we take away the Cuban government's ability to blame the hardships of the Cuban people on the United States. In a very real sense, the more we work to improve the lives of the Cuban people, the more we will reduce the level and the tone of the rhetoric used against us by the Cuban government.

It is time for a different policy—one that goes further than embargoes and replaces a restrictive and confusing travel policy with a new one that will more effectively help us to achieve our goal of sharing democratic ideas with the people of Cuba.

The bill we are introducing today makes real change in our Cuba travel policy toward that will lead to real change for the people of Cuba. What better way to let the Cuban people know of our concern for their plight than for them to hear it from their friends and extended family from the United States. Let them hear it from the American people who will go there. The people of this country are our best ambassadors and we should let them show the people of Cuba what we as a nation are all about. If we want to give the Cuban people real knowledge of the truth about America, we need to have Americans go there to share it.

Unilateral sanctions stop not just the flow of goods, but the flow of ideas—ideas of freedom and democracy are the keys to positive change in any nation. The rest of the world is not doing what we are doing. Countries around the world are trading with Cuba, investing in Cuba, and allowing their citizens to visit Cuba. China, Venezuela, and Iran are becoming the largest investors on the island. These nations are in a position to directly influence the future of Cuba. Americans are nowhere to be found.

Keeping the door closed and yelling at the Castro government on the other side does nothing to spread democracy and does nothing to help the people of Cuba. Let us do something, let us open the door and talk to the Cuban people. I encourage all of my colleagues to take a look at this legislation and join me in this effort.

By Mr. McCAIN (for himself and Mr. KYL):

S. 722. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator KYL in reintroducing legislation to authorize a special resources and land management study for lands adjacent to the Walnut Canyon National Monument in Arizona. The study is intended to evaluate a range of management options for public lands adjacent to the monument to ensure adequate protection of the canyon's cultural and natural resources. A similar bill was introduced last Congress and received a hearing in the Senate Energy and Natural Resources Committee's Subcommittee on National Parks. The bill being introduced today reflects suggested changes of that Subcommittee and includes language that met their approval. I am grateful for the input of the members of the Subcommittee and their staff.

For several years, local communities adjacent to the Walnut Canyon National Monument have debated whether the land surrounding the monument would be best protected from future development under management of the U.S. Forest Service or the National Park Service. The Coconino County Board and the Flagstaff City Council have passed resolutions concluding that the preferred method to determine what is best for the land surrounding Walnut Canyon National Monument is by having a Federal study conducted. The recommendations from such a study would help to resolve the question of future management and whether expanding the monument's boundaries could complement current public and multiple-use needs.

The legislation also would direct the Secretary of the Interior and the Secretary of Agriculture to provide recommendations for management options for maintenance of the public uses and protection of resources of the study area.

This legislation would provide a mechanism for determining the management options tor one of Arizona's high uses scenic areas and protect the natural and cultural resources of this incredibly beautiful monument. I urge my colleagues to support its passage.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN introducing the Walnut Canyon Study Act of 2007. I cosponsored similar legislation in the last Congress. That legislation had a favorable hearing in the Senate Energy and Natural Resources Committee. Unfortunately, we were unable to enact it before the Congress ended.

The bill is simple. It directs the Secretary of Agriculture and the Secretary of the Interior, utilizing a third-party consultant, to conduct jointly a study of approximately 31,000 acres surrounding Walnut Canyon National Monument. The purpose of this study is to help the land managers ascertain the best long-term management strategy for these surrounding lands in order to protect the natural, cultural, and recreational values. I want to emphasize that adding these acres to the monument is not the end goal of this study.

As stated, the study area consists of approximately 31,000 acres. Approximately 25,000 acres are currently managed by the Forest Service through the Land Resource Management Plan for the Coconino National Forest. The plan was amended in early 2003 with local input to close the area to motorized access and remove the land encircling the monument from consideration for sale or exchange. The plan, as amended, is under revision. The remaining acres are comprised of State trust land managed by the State Lands Department and the Walnut Canyon National Monument itself, which is managed by the National Park Service. A small number of acres, about 200, are private land. That private land is already subject to the Coconino County and the Flagstaff City Council-approved Flagstaff-area Regional Land Use and Transportation Plan, RLUTP, which restricts development within the study area.

This legislation is the product of extensive public input that included State and local officials, Federal agencies, and local citizens who use the land surrounding the monument. This public participation highlighted the core of the debate: how can we best protect the natural and cultural resources in the area while continuing the multiple-use management in a way that has stability and permanence. I hope that this independent study will help answer that important question. I urge my colleagues to approve the bill at the earliest possible date.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 725. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today, my colleague from Maine, Senator COLLINS and I are very pleased to introduce the National Aquatic Invasive Species Act of 2007. This bill, which reauthorizes the Nonindigenous Aquatic Nuisance Prevention and Control Act, takes a Comprehensive approach towards addressing aquatic nuisance species to protect the Nation's aquatic ecosystems. Invasive species are not a new problem for this country, but what is so important about this bill is that it takes a comprehensive approach toward the problem of aquatic invasive species rather than just focusing on species after they are established and a nuisance. The bill deals with the prevention of new introductions of species, the screening of live aquatic organisms imported into the country, the rapid response to new invasions before they become established, and the research to implement the provisions of this bill.

More than 6,500 non-indigenous invasive species have been introduced into the United States and have become established, self-sustaining populations. These species—from microorganisms to mollusks, from pathogens to plants, from insects to fish to animals—typically encounter few, if any, natural enemies in their new environments and often wreak havoc on native species. Aquatic nuisance species threaten biodiversity nationwide, especially in the Great Lakes.

In fact, the aquatic nuisance species became a major issue for Congress back the late eighties when the zebra mussel was released into the Great Lakes. The Great Lakes still have zebra mussels, and now, more than 20 States are fighting to control them. They have traveled down the Mississippi River, then up the Arkansas River over to Oklahoma, and zebra mussels have been found out even in Nevada and California. From 1993 to 2003, rapidly multiplying zebra mussels caused $3 billion in damage to the Great Lakes region. Industry and municipalities spend millions to keep water pipes from becoming clogged with zebra mussels. And that is just the economic impact that one species has caused.

Zebra mussels were carried over from the Mediterranean to the Great Lakes in the ballast tanks of ships. The leading pathway for aquatic invasive species was and still is maritime commerce.

Most invasive species are contained in the water that ships use for ballast to maintain trim and stability. There are over 180 aquatic invasive species in the Great Lakes. Some of the more notorious aquatic invaders such as the zebra mussel and round goby were introduced into the Great Lakes when ships pulled into port and discharged their ballast water. In addition to ballast water, aquatic invaders can also attach themselves to ships' hulls and anchor chains.

Because of the impact that the zebra mussel had in the Great Lakes, Congress passed legislation in 1990 and 1996 that has reduced, but not eliminated, the threat of new invasions by requiring ballast water management for ships entering the Great Lakes. Today, there is a mandatory ballast water management program in the Great Lakes, and the Coast Guard recently turned the voluntary ballast water exchange reporting requirement into a mandatory ballast water exchange program for all of our coasts. The current law requires that ships entering the Great Lakes must exchange their ballast water, seal their ballast tanks or use alternative treatment that is ''as effective as ballast water exchange.'' Unfortunately, alternative treatments have not been fully developed and widely tested on ships because the developers of ballast technology do not know what standard

they are trying to achieve. This obstacle is serious because ultimately, only on-board ballast water treatment will adequately reduce the threat of new aquatic nuisance species being introduced through ballast water.

Our bill addresses this problem by setting a ballast discharge standard. After 2011, all ships that enter any U.S. port after operating outside the Exclusive Economic Zone of 200 miles will be required to use a ballast water treatment technology that meets the ballast technology standard. This standard is based on the standard proposed by the International Maritime Organization but is more protective of our waters by a factor of 100. The standard would ensure that ships discharge water that has less than 1 living organism that is greater than 50 micrometers per 10 cubic meters of water. If the Coast Guard determines in 2010 that technology is not available that can meet this standard, then the Coast Guard and EPA would establish a standard for ballast water management based on the best performance available that exceeds the international standard. Technology vendors and the maritime industry will know what standard they should be striving to achieve and when they will be expected to achieve it.

I understand that ballast water technologies are being researched, and some are currently being tested onboard ships. The range of technologies includes ultraviolet lights, filters, chemicals, deoxygenation, ozone, and several others. Each of these technologies has its own merits, and each has a different price tag attached to it. This bill will not overburden the maritime industry with an expensive requirement to install technology because the market for technology to meet a domestic and an international standard is evolving into a competitive market, and that competition will provide affordable technology.

Technology will always be evolving, and we hope that affordable technology will become available that completely eliminates the risk of new introductions. Therefore, it is important that the Coast Guard regularly review and revise the standard so that it reflects what the best technology currently available is.

There are other important provisions of the bill that also address prevention. For instance, the bill encourages the Coast Guard to consult with Canada, Mexico, and other countries in developing guidelines to prevent the introduction and spread of aquatic nuisance species. The Aquatic Nuisance Species Task Force is also charged with conducting a pathway analysis to identify other high risk pathways for introduction of nuisance species and implement management strategies to reduce those introductions. And this legislation, establishes a process to screen live organisms entering the country for the first time for non-research purposes.

Organisms believed to be invasive would be imported based on conditions that prevent them from becoming a nuisance. Such a screening process might have prevented such species as the Snakehead, which has established itself in the Potomac River here in the DC area, from being imported.

The third title of this bill addresses the early detection of new invasions and the rapid response to invasions as well as the control of aquatic nuisance species that do establish themselves. If fully funded, this bill will provide a rapid response fund for states to implement emergency strategies when outbreaks occur. The bill requires the Army Corps of Engineers to construct and operate the Chicago Ship and Sanitary Canal project which includes the construction of a second dispersal barrier to keep species like the Asian carp from migrating up the Mississippi through the Canal into the Great Lakes. Equally important, this barrier will prevent the migration of invasive species in the Great Lakes from proceeding into the Mississippi system.

Lastly, the bill authorizes additional research which will identify threats and the tools to address those threats.

Though invasive species threaten the entire nation's aquatic ecosystem, I am particularly concerned with the damage that invasive species have done to the Great Lakes. There are now roughly 180 invasive species in the Great Lakes, and on average, a new species is introduced every 8 months. Invasive species cause disruptions in the food chain which is now causing the decline of certain fish. Invasive species are believed to be the cause of a new dead zone in Lake Erie. And invasive species compete with native species for habitat.

This bill addresses the ''NOBOB'' or No Ballast on Board problem which is when ships report having no ballast when they enter the Great Lakes. However, a layer of sediment and small bit of water that cannot be pumped out is still in the ballast tanks. So when water is taken on-board and then discharged all within the Great Lakes, a new species that was still living in that small bit of sediment and water may be introduced. By requiring that these ships immediately begin saltwater flushing so that freshwater species cannot survive in the saltwater being pumped through the ballast tank, this bill addresses a very serious issue in the Great Lakes. In 2012, these NOBOB ships, like all ships, will be required to install and use ballast technology.

All in all, the bill would cost about $150 million each year if authorized funding were to be fully appropriated. This is a lot of money, but it is a critical investment. As those of us from the Great Lakes know, the economic damage that invasive species can cause is much greater. The zebra mussel, which is just 1 of the 180 species that has invaded the Great Lakes, has caused $3 billion in economic damage over 10 years. Imagine what the cost of zebra mussels is to all of the states that are now dealing with them. Compared to the annual cost of zebra mussels and the hundreds of other aquatic invasive species, the cost of this bill is more than reasonable. Therefore, I urge my colleagues to cosponsor this legislation and work to move the bill swiftly through the Senate.

Ms. COLLINS. Mr. President, from Pickerel Pond to Lake Auburn, from Sebago Lake to Bryant Pond, lakes and ponds in Maine are under attack. Aquatic invasive species threaten Maine's drinking water systems, recreation, wildlife habitat, lakefront real estate, and fisheries. Plants, such as Variable Leaf Milfoil, are crowding out native species. Invasive Asian shore crabs are taking over Southern New England's tidal pools and have advanced well into Maine—to the potential detriment of Maine's lobster and clam industries.

I rise today to join Senator LEVIN in introducing legislation to address this problem. The National Aquatic Invasive Species Act of 2007 would create the most comprehensive nationwide approach to date for combating alien species that invade our shores.

The stakes are high when invasive species are unintentionally introduced into our Nation's waters. They endanger ecosystems, reduce biodiversity, and threaten native species. They disrupt people's lives and livelihoods by lowering property values, impairing commercial fishing and aquaculture, degrading recreational experiences, and damaging public water supplies.

In the 1950s, European Green Crabs swarmed the Maine coast and literally ate the bottom out of Maine's softshell clam industry by the 1980s. Many clam diggers were forced to go after other fisheries or find new vocations. In just one decade, this invader reduced the number of clam diggers in Maine from nearly 5,000 in the 1940s to fewer than 1500 in the 1950s. European green crabs currently cost an estimated $44 million a year in damage and control efforts in the United States.

Past invasions forewarn of the long-term consequences to our environment and communities unless we take steps to prevent new invasions. It is too late to stop European green crabs from taking hold on the East Coast, but we still have the opportunity to prevent many other species from taking hold in Maine and the United States.

Senator LEVIN and I first introduced a version of this legislation in late 2002. Unfortunately, in the subsequent years in which Congress has failed to act on our legislation, a number of new invasive species have taken hold in Maine. North America's most aggressive invasive species—hydrilla—was found shortly after we first introduced our legislation. This stubborn and fast-growing aquatic plant has taken hold in Pickerel Pond in the Town of Limerick, ME. This plant is now found throughout Pickerel Pond, where it diminishes recreational use for swimmers and boaters.

Eurasian Milfoil is another invasive which has taken hold since our legislation was first introduced. Maine was the last of the lower 48 States to be free of this stubborn and fast-growing invasive plant. Eurasian Milfoil degrades water quality by displacing native plants, fish and other aquatic species. The plant forms stems reaching up to 20 feet high that cause fouling problems for swimmers and boaters. In total, there are now 27 documented cases of aquatic invasive species infesting Maine's lakes and ponds.

When considering the impact of these invasive species, it is important to note the tremendous value of our lakes and ponds. While their contribution to our quality of life is priceless, their value to our economy is more measurable. Maine's Great Ponds generate nearly 13 million recreational user days each year, lead to more than $1.2 billion in annual income for Maine residents, and support more than 50,000 jobs.

With so much at stake, Mainers are taking action to stop the spread of invasive species into our State's waters. The State of Maine has made it illegal to sell, possess, cultivate, import or introduce 11 invasive aquatic plants. Boaters participating in the Maine Lake and River Protection Sticker program are providing needed funding to aid efforts to prevent, detect and manage aquatic invasive plants. Volunteers are participating in the Courtesy Boat Inspection program to keep aquatic invasive plants out of Maine lakes. Before launch or after removal, inspectors ask boaters for permission to inspect the boat, trailer or other equipment for plants.

While I am proud of the actions that Maine and many other States are taking to protect against invasive species, all too often their efforts have not been enough. Protecting the integrity of our lakes, streams, and coastlines from invading species cannot be accomplished by individual states alone. We need a uniform, nationwide approach to deal effectively with invasive species. The National Aquatic Invasive Species Act of 2007 will help my State and States throughout the Nation detect, prevent and respond to aquatic invasive species.

The National Aquatic Invasive Species Act of 2007 would be the most comprehensive effort ever undertaken to address the threat of invasive species. By authorizing $150 million per year, this legislation would open numerous new fronts in our war against invasive species. The bill directs the Coast Guard to develop regulations that will end the easy cruise of invasive species into US waters through the ballast water of international ships, and would provide the Coast Guard with $6 million per year to develop and implement these regulations.

The bill also would provide $30 million per year for a grant program to assist State efforts to prevent the spread of invasive species. It would provide additional funds for the Army Corps of Engineers and Fish and Wildlife Service to contain and control invasive species. Finally, the Levin-Collins bill would authorize $30 million annually for research, education, and outreach.

The most effective means of stopping invading species is to attack them before they attack us. We need an early alert, rapid response system to combat invading species before they have a chance to take hold. For the first time, this bill would establish a national monitoring network to detect newly introduced species, while providing $25 million to the Secretary of the Interior to create a rapid response fund to help States and regions respond quickly once invasive species have been detected. This bill is our best effort at preventing the next wave of invasive species from taking hold and decimating industries and destroying waterways in Maine and throughout the country.

One of the leading pathways for the introduction of aquatic organisms to U.S. waters from abroad is through transoceanic vessels. Commercial vessels fill and release ballast tanks with seawater as a means of stabilization. The ballast water contains live organisms from plankton to adult fish that are transported and released through this pathway. Our legislation would require all ships, with limited exceptions, to meet environmentally protective performance standards for ballast water discharge by 2012. In addition, it would establish a mandatory ballast water management program that includes invasive species management plans, ballast management reporting requirements, and best management practices for all ships in US waters.

The National Aquatic Invasive Species Act of 2007 offers a strong framework to combat aquatic invasive species. I call on my colleagues to help us enact this legislation in order to protect our waters, ecosystems, and industries from destructive invasive species—before even more of them take hold in our lakes and rivers and along our coastlines.

By Mr. COCHRAN (for himself Mr. DODD, Mr. AKAKA, Ms. COLLINS, Mr. STEVENS, Mr. LOTT, Mr. SMITH, Mr. ALEXANDER, and Ms. SNOWE):

S. 727. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today, I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined by my friend from Connecticut Mr. DODD. The purpose of this bill is to improve geographic literacy among K–12 students in the United States by supporting professional development programs for their teachers that are administered in institutions of higher education. The bill also assists States in measuring the impact of education in geography.

Ensuring geographic literacy prepares students to be good citizens of both our Nation and the world. Last May, John Fahey, President of the National Geographic Society, stated that ''Geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world.'' When students understand their own environment, they can better understand the differences in other places, and the people who live in them. Knowledge of the diverse cultures, environment, and distances between States and countries helps our students to understand national and international policies, economies, societies, and political structures on a more global scale.

The 2005 publication, What Works in Geography, reported that elementary school geography instruction significantly improves student achievement and proved that the integration of geography into the elementary school curriculum improves student literacy achievement an average of 5 percent. That's the good news. However, the 2006 National Geographic-Roper Global Geographic Literacy Survey shows that 69 percent of elementary school principals report a decrease in time spent teaching geography and less than a quarter of our Nation's high school students take a geography course in high school. This survey shows that many of our high school graduates lack the basic skills to navigate our international economy, policies and relationships.

To expect that Americans will be able to work successfully with the other people in this world, we need to be able to communicate and understand each other. It is a fact that we have a global marketplace, and that will continue to be the case. We need to be preparing our younger generation for global competition and ensuring that they have a strong base of understanding to be able to succeed. A strong base of geography knowledge improves those opportunities.

The U.S. Bureau of Economic Analysis announced yesterday that 27.9 percent of the U.S. GDP, that is $3.7 trillion, annually results from international trade. According to the CIA World Factbook of 2005, U.S. workers need geographic knowledge to compete in this global economy. Geographic knowledge is increasingly needed for U.S. businesses in international markets to understand such factors as physical distance, time zones, language differences, and cultural diversity among project teams.

In addition, geospatial technology is a new and emerging career available to people with an extensive background in geography education. Professionals in

geospatial technology are employed in Federal Government agencies, the private sector and the non-profit sector, focusing on areas such as agriculture, archeology, ecology, land appraisal, and urban planning and development. In the United States, there are currently 175,000 individuals employed in the geospatial technology industry. It is estimated that this industry is growing up to 14 percent per year and it is projected to be a $5–6 billion industry by 2010. A strong geography education system is a necessity for this industry's continued advancement.

Former Secretary of State Colin Powell said, ''To solve most of the major problems facing our country today, from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS, will require every young person to learn more about other regions, cultures, and languages.''

We need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared and trained to teach these critical skills to solve these problems. Over the last 15 years, the National Geographic Society has awarded more than $100 million in grants to educators, universities, geography alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful and research shows that students who have benefitted from this teaching outperform other students. State geography alliances exist in 19 States, including Mississippi, endowed by grants from the society. But, their efforts alone are not enough. The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focus on geography education research, and develop reliable, advanced technology based classroom materials.

In my State of Mississippi, teachers and university professors are making progress to increase geography education in the schools through additional professional training. Based at the University of Mississippi, over 300 geography teachers are members of the Mississippi Geography Alliance. Two weeks ago, the Mississippi Geography Alliance conducted a workshop for graduate and undergraduate students who are preparing to be certified to teach elementary through high school-level geography in our State. The workshop provided opportunities for model teaching sessions and discussion of best practices in the classroom.

I hope the Senate will consider the seriousness of the need to invest in geography and I invite other Senators to cosponsor the Teaching Geography is Fundamental Act.

By Mr. DOMENICI:

S. 728. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to talk about a project of great importance to my State and our environment—one that has been discussed before on this floor when I helped unveil a vision that would rehabilitate and restore New Mexico's Bosque. I return here today to implement this vision that concerns this long neglected treasure of the Southwest.

I would like to point out that this project passed through this body in the last Congress. The project that I am proposing today was contained in the 2005 Water Resources Development Act, which passed the Senate on July 19, 2006. I hope that this important project will again obtain the approval of the Senate.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. The list of its woes is long: It has been overrun by non-native vegetation; graffiti and trash mar locations along its length; the drought and build up of hazardous fuel have contributed to fires. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public.

This is a grand undertaking to be sure; but I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river. I propose to build on their efforts with the legislation I am introducing today.

I remain grateful to each of the parties who have been involved with this idea since its inception. Each one contributes a very critical component of the project. The Middle Rio Grande Conservancy District (the ''MRGCD'') owns the vital part of the Bosque which runs from the National Hispanic Cultural Center north to the Paseo Del Norte Bridge. The MRGCD has proven to be a valuable local partner that has worked with all parties to provide options on how the Bosque can be preserved, protected and enjoyed by everyone. Additionally, the Army Corps of Engineers is developing a preliminary restoration plan for the Bosque along the Albuquerque corridor.

My bill authorizes $10 million dollars in Fiscal Year 2007 and such sums as are necessary for the following nine years to complete projects, activities, substantial ecosystem restoration, preservation, protection, and recreation facilities along the Middle Rio Grande. I urge my fellow members to help preserve this rare and diverse ecosystem and to aid the city of Albuquerque and the State of New Mexico in building a place to treasure.

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. 728

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the Middle Rio Grande bosque is—

(A) a unique riparian forest along the Middle Rio Grande in New Mexico;

(B) the largest continuous cottonwood forest in the Southwest;

(C) one of the oldest continuously inhabited areas in the United States;

(D) home to portions of 6 pueblos; and

(E) a critical flyway and wintering ground for migratory birds;

(2) the portion of the Middle Rio Grande adjacent to the Middle Rio Grande bosque provides water to many people in the State of New Mexico;

(3) the Middle Rio Grande bosque should be maintained in a manner that protects endangered species and the flow of the Middle Rio Grande while making the Middle Rio Grande bosque more accessible to the public;

(4) environmental restoration is an important part of the mission of the Corps of Engineers; and

(5) the Corps of Engineers should reestablish, where feasible, the hydrologic connection between the Middle Rio Grande and the Middle Rio Grande bosque to ensure the permanent healthy growth of vegetation native to the Middle Rio Grande bosque.

SEC. 2. DEFINITIONS.

In this Act:

(1) MIDDLE RIO GRANDE.—The term ''Middle Rio Grande'' means the portion of the Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(2) RESTORATION PROJECT.—The term ''restoration project'' means a project carried out under this Act that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, recreation, and protection benefits.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

SEC. 3. MIDDLE RIO GRANDE RESTORATION.

(a) RESTORATION PROJECTS.—The Secretary shall carry out restoration projects along the Middle Rio Grande.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may select restoration projects in the Middle Rio Grande based on feasibility studies.

(2) USE OF EXISTING STUDIES AND PLANS.—In carrying out subsection (a), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify the needs and priorities for restoration projects.

(c) LOCAL PARTICIPATION.—In carrying out this Act, the Secretary shall consult with—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) COST-SHARING AGREEMENT.—Before carrying out any restoration project under this Act, the Secretary shall enter into an agreement with the non-Federal interests that shall require the non-Federal interests—

(A) to pay 25 percent of the total costs of the restoration project through in-kind services or direct cash contributions, including the cost of providing necessary land, easements, rights-of-way, relocations, and disposal sites;

(B) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the restoration project that are incurred after the date of enactment of this Act; and

(C) to hold the United States harmless for any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest carrying out a restoration project under this Act may include a nonprofit entity.

(3) RECREATIONAL FEATURES.—

(A) IN GENERAL.—Any recreational features included as part of a restoration project shall comprise not more that 30 percent of the total project cost.

(B) NON-FEDERAL FUNDING.—The full cost of any recreational features included as part of a restoration project in excess of the amount described in subparagraph (A) shall be paid by the non-Federal interests.

(4) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of the cost of design or construction activities carried out by the non-Federal interests (including activities carried out before the execution of the cooperation agreement for a restoration project) if the Secretary determines that the work performed by the non-Federal interest is integral to the project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $10,000,000 for fiscal year 2007; and

(2) such sums as are necessary for each of fiscal years 2008 through 2016.

By Mr. SALAZAR:

S. 729. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, I rise today to speak about legislation I introduced today. The Rocky Flats Special Exposure Cohort Act will at long last repay our debt to the patriotic American workers of Rocky Flats, who served our Nation during the Cold War.

Many Americans contributed to our victory in the Cold War. Brave men and women worked in laboratories and factories throughout the Nation, fashioning nuclear weapons that led to the fall of the former Soviet Union. Unfortunately, many of these Cold War Veterans contracted cancer and other disabling and fatal diseases due to their service.

Before I arrived to Washington, DC, Congress recognized the sacrifices made by our nuclear weapons workers by enacting the Energy Employees Occupational Injury Compensation Act (EEOICPA) to provide benefits to nuclear weapons workers for their work-related illnesses or to their survivors when these illnesses took their lives.

While thousands of workers are successfully applying and receiving benefits today, others face incredible obstacles as they try to demonstrate that they qualify for benefits. In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing benefits who served at the Rocky Flats facility in Colorado.

Our government failed these workers when they maintained shoddy, inaccurate, and incomplete records. Thankfully, Congress had the foresight in the Energy Employees Act to realize that some workers might not be able to prove that their cancers were caused by their work in nuclear weapons facilities, whether due to the lack of records or other problems that make it difficult or impossible to determine the dose of radiation they received. To protect these workers, Congress designated a Special Exposure Cohort to receive benefits if they suffered from one of the specified cancers known to be linked to radiation exposure.

Since February 2005, Rocky Flats workers have patiently and diligently been making their case to the Federal Government. Unfortunately, many of the Rocky Flats workers are running out of time. Over the past 2 years, several have passed away without having received the healthcare and other benefits that they would have qualified for if they were granted an SEC designation.

Their petition is being reviewed by the Advisory Board on Radiation and Worker Health (ABRWH), a body that is stretched thin. In the past, I have raised my strong concerns about the several unfilled Advisory Board seats. I commend these Americans for having answered the calls of their government to serve our country. Like our Cold War Veterans, Advisory Board members have sacrificed their time and energy to perform an important service. I believe it is the responsibility of this Congress to fulfill its duty as well.

The bill I am introducing today would extend Special Exposure Cohort status to workers employed by the Department of Energy or its contractors at Rocky Flats according to the stringent requirements of the EEOICPA. As a result of this designation, a Rocky Flats worker suffering from one of the 22 listed cancers will be able to receive benefits despite the inadequate records maintained by the Department of Energy and its contractors.

Through five decades, men and women worked at Rocky Flats, producing plutonium, one of the most dangerous substances in creation, and crafting it into the triggers for America's nuclear arsenal. These men and women served a critical role in a program deemed essential to our national security by a succession of Presidents and Congresses. We owe them an enormous debt of gratitude.

My bill is a companion bill to the bipartisan House bill, H.R. 904, introduced by my friends, Congressman MARK UDALL and Congressman ED PERLMUTTER from Colorado. I look forward to its bipartisan support in the Senate and urge this body to swiftly take up and pass this important legislation. In doing so, we will right a wrong and fulfill a task that is long overdue.

By Mr. DODD (for himself and Ms. MIKULSKI):

S. 730. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DODD. Mr. President, as we move forward in the coming months in the Senate Committee on Rules and Administration on critical election reform hearings, I wanted to take this opportunity to re-introduce my legislation, the Voting Opportunity and Technology Enhancement Rights (VOTER) Act of 2007. I am committed to working with our new Rules Committee Chair Senator FEINSTEIN and my other Rules Committee colleagues, and with others off the committee, to try to secure enactment of tough new election reform legislation in this Congress. This bill provides a focus and framework for that discussion.

It does not purport to address all of the key problems in election reform that have arisen since enactment in 2002 of the historic Help America Vote Act (HAVA), but it is an important start, and I am pleased that Senator FEINSTEIN and I will be working together on comprehensive reform legislation this year. In light of the continuing barriers that American citizens

found at polling places across this Nation last November, including technological barriers, human errors, and other problems, we cannot rest on the laurels of past legislation. We must continue to strive to provide an equal opportunity for all citizens to participate in their democracy by voting and having their vote counted.

That's why today I am re-introducing this legislation. There is nothing more fundamental to the vitality of a democracy of the people, by the people, and for the people, than the people's right to vote. In the words of Thomas Paine: ''The right of voting for representatives is the primary right by which other rights are protected.'' Indeed, it is the right on which all others in our democracy depend.

We still have a long way to go before we get to the point where all Americans are able to participate without obstacles in our elections, and able to participate with confidence in the voting systems they use. In the 2000 presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 presidential election voting participation reached its highest level since 1968, only 60.7 percent of eligible Americans voted. That dropped back down, in the 2006 off-year elections, to just over 40 percent.

While there are many reasons why more Americans do not vote, we learned from the debacle of the 2000 presidential elections that many citizens cannot vote and have their vote counted because they are improperly removed from registration rolls, do not have access to accessible voting systems and ballots, or lack confidence in antiquated and error-prone machines and State administrative procedures. In response to those concerns, in 2002 Congress enacted HAVA, overwhelmingly bipartisan election reform legislation. For the first time in our history, that landmark legislation established the role of the Federal Government in administering and funding Federal elections. The twin goals of the act were to make it easier to vote and harder to defraud the system.

On the day that the Senate adopted its version of HAVA, I noted that the Senate bill was a bipartisan compromise and the culmination of the hard work of a dedicated group of Senators. But I also noted that the compromise was just that—it was not everything that all of us wanted, but it was something that everyone wanted. That was equally true of the final HAVA compromise on election reform.

The 2004 and 2006 elections raised both continuing and new concerns. And some of the most important of these concerns are not addressed by HAVA. The fact that less than one-half of the eligible voting age population voted in 2006 underscores the reality that not everybody votes in America. We must do better on this front, and we can. As the 2006 elections in some states reminded us, we also must do better at bolstering Americans' confidence in the security and reliability of our election systems, while preserving critical access to people with disabilities, language minorities, and others.

Let me summarize briefly what this bill does. First, the VOTER Act provides every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections. This new national absentee ballot extends to all citizens the same right to a Federal absentee ballot that overseas and active military voters currently have. Beginning with Federal elections in 2008, every State shall provide early voting opportunities for a minimum of 15 days prior to election day, including Saturdays. Beginning in 2009, any otherwise eligible voter must be allowed to register to vote on election day and have that vote counted in Federal elections. This last provision would in itself be a major advance.

The VOTER Act also addresses many of the recurring, and new, barriers to voting that voters faced at the polls in the last two federal elections. It requires that a State count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place where the ballot is cast.

HAVA established a uniform national right for every voter in a Federal election to receive and cast a provisional ballot. This new right was intended to ensure that no otherwise eligible voter could be turned away from the polls because of an administrative error or other challenge. But in 2004, and again in 2006, we saw this right eroded by States and applied in non-uniform ways. Some States, such as Ohio, initially interpreted HAVA to require that a voter be in their correct precinct in order to cast a Federal provisional ballot. Other States interpreted the same HAVA language to allow challenged voters to cast a provisional ballot in their county of residence. Whether or not the provisional ballot was ultimately counted turned solely on State law. This bill ensures that voters who cast a provisional ballot for Federal office will have that ballot counted in a uniform manner.

In addition, the VOTER Act requires that each State provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission. This is to avoid the problem of long lines and disenfranchised voters because of too few voting systems or ballots at polling places and too few poll workers to assist voters. This requirement would become effective in January, 2008.

To ensure that all voters have an opportunity to independently verify their ballot before it is cast and counted, the VOTER Act also requires that all States provide voters a voter-verified ballot with a choice of at least four formats for verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired.

HAVA already requires that all voting systems provide voters an opportunity to verify their ballot before it is cast and counted. HAVA also requires that all systems produce a permanent paper record for audit purposes. However, it does not spell out how that verification is to be achieved to ensure security and independence of the voter's choice.

In the last few years, many have called on Congress to require a voter-verified paper ballot. And I understand what is behind that impulse. Even so, unless voter verification schemes are carefully crafted, paper-only processes can be less accurate, printer jams can result in more destroyed ballots, and they can inherently discriminate against the disabled, particularly the blind and visually-impaired. HAVA already requires that all voters, regardless of disability, be able to verify their ballots. With current and developing technology—and with new approaches being developed which will require paper ballots which are then convertible into formats for verification that are accessible to persons with disabilities and language minorities—I am hopeful that as we move forward we will be able to work out an approach on which all sides can agree.

I continue to believe it is important to preserve the anti-discrimination requirements in current law, by ensuring that appropriate verification alternatives are offered to those who need them. I know my colleagues have various proposals on this issue to bring before the Committee for its consideration, either separately or as part of more comprehensive reform efforts, and we should examine those proposals carefully. That process has already begun with the Committee's hearing last month which focused on problems with electronic voting systems, including those currently before the court in the contested election for the 13th Congressional District in Sarasota County, Florida.

The VOTER Act also addresses the continuing problem of minority disenfranchisement through last-minute purges of voter registration lists by requiring States to provide public notice of any such purges not later than 45 days before a Federal election.

To expedite the studies called for under HAVA for establishing election day as a Federal holiday, the VOTER Act requires the EAC to complete its study and issue recommendations within 6 months of enactment and earmarks funds within the EAC budget solely for this purpose.

It also includes amendments to HAVA that build on the existing voting system requirements to ensure that all voting systems, including punch cards

and central count optical scan machines, provide voters with actual notice of over-votes. Also, beginning in 2009, States must allow for voter registration through the Internet. The bill also includes provisions to ensure both the security and uniform treatment of voter registration applications by requiring that all voters sign an affidavit attesting to both their citizenship and age, in lieu of the HAVA requirements for a check-off box alone, effective in 2009.

HAVA requires that voter registration forms include questions regarding citizenship and age with check-off boxes that applicants use to indicate whether or not they meet eligibility requirements. States are further required to contact any applicant who does not fill in the boxes in order to complete the form. However, in the 2004 and 2006 elections, States implemented this requirement in widely varying ways, resulting in non-uniform treatment of voters in Federal elections. In some cases, States refused to process the form and failed to contact the voter. In other States, voters who had submitted incomplete forms were asked to complete those forms at the polling place. While the twin purposes of HAVA were to make it easier to vote and harder to defraud the system, as implemented this requirement achieves neither purpose. This requirement further resulted in disenfranchising voters who failed to check a box but nonetheless signed an affidavit, under penalty of perjury, attesting to both their citizenship and age. With the implementation of statewide voter registration lists, the check-off box requirement is unnecessary and burdensome to both voters and election administrators.

To ensure that the implementation of the voter identification requirements in HAVA do not make it harder to vote, the VOTER Act expands the forms of identification that can be used to establish identity for first-time voters who submit their voter registration by mail to include an affidavit executed by the voter attesting to his or her identity, generally subject to penalties for perjury under State law.

The VOTER Act also begins to respond to concerns first raised in the 2000 Presidential election in Florida, and echoed again in the 2004 and 2006 elections, regarding the appearance of impartiality by State election officials who were otherwise active in Federal campaigns. The bill imposes new accountability and transparency requirements on States, beginning in 2008, including a public notice requirement of any changes in State law affecting the administration of elections, such as changes in polling places and actions denying access to polling place observers. Some have urged going beyond this, including by banning state election officials from engaging in political activity in races which they oversee; the committee should consider this approach carefully.

To ensure the independence of the Election Assistance Commission, and the timely issuance of guidance and standards, the bill provides the agency with independent budget authority and the authority to issue mandatory standards to implement the new requirements. Finally, in recognition of the inherent role of the States in the administration of Federal elections, the VOTER Act provides additional Federal funds for the State requirement grants under HAVA to implement the new requirements.

This measure does not pretend to be exhaustive, and I know there are other important reform ideas that will be considered by the committee, including measures to penalize deceptive voter intimidation practices, to impose additional voting systems testing, to improve poll worker training, to ease registration for new voters, and others. I welcome a full discussion of all of these issues.

While Congress accomplished much with the passage of the Help America Vote Act following the debacle of the 2000 Presidential election, 5 years later voters still face some of the same barriers to voting that HAVA promised to remove. As we move forward on election reform this year, let us ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in Federal elections.

I invite my colleagues to join me as cosponsors of this measure, and I ask unanimous consent that a brief section-by-section analysis of this measure be printed in the RECORD.

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

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT ACT OF 2007

SECTION-BY-SECTION ANALYSIS

Sec. 1.—Tit1e; Table of Contents.

Sec. 2.—Findings and Purposes.

Sec. 3.—National Federal Write-In Absentee Ballot.

Sec. 3 creates a National Federal Write-in Absentee Ballot (NFWAB) for Federal office to be used in a Federal election by any otherwise eligible voter.

Sec. 3 requires States to accept the NFWAB cast by any person eligible to vote in a Federal election, provided the ballot has been postmarked or signed by the voter before the close of the polls on election day.

Sec. 3 requires the Election Assistance Commission to prescribe a national Federal write-in absentee ballot and prescribe standards for distributing the ballot, including distribution through the Internet.

Sec. 4.—Voter Verified Ballots.

Sec. 4 requires that all voting systems purchased after January 1, 2009 and used in Federal elections provide an independent means for each voter to verify the ballot before it is cast and counted.

Sec. 4 allows each voter to choose one means of verification from among the following options—(1) paper; (2) audio; (3) pictorial; or (4) an electronic record accessible for voters with disabilities.

Sec. 5.—Requirements for Counting Provisional Ballots.

Sec. 5 requires that a State shall count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

Sec. 6.—Minimum Required Voting Systems and Poll Workers in Polling Places.

Sec. 6 requires that each state shall provide the minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission.

Sec. 7.—Election Day Registration.

Sec. 7 requires that each State shall provide for election day registration in a Federal election for any otherwise eligible individual, using a form established by the Election Assistance Commission, unless the State does not have a voter registration requirement.

Sec. 8.—Integrity of Voter Registration Lists.

Sec. 8 requires that each State provide public notice at least 45 days before a Federal election of all names removed from the voter registration list.

Sec. 9.—Early Voting.

Sec. 9 requires that each State shall establish an early voting program for a minimum of 15 calendar days before a Federal election that provides a uniform voting period each day, except Sunday, for at least 4 hours.

Sec. 10.—Acceleration of Study on Election Day as a Public Holiday.

Sec. 10 requires the Election Assistance Commission to submit within 6 months of enactment of this Act the report on establishing a public election day holiday and uniform poll closing time, and authorizes $100,000 for fiscal year 2007 for that purpose.

Sec. 11.—lmprovements to Voting Systems.

Sec. 11 requires that punch card and central count voting systems conform to the in person notice of over-votes in Sec. 301 of the Help America Vote Act and to permit a—voter to verify and change or correct any errors before the ballot is cast and counted.

Sec. 12.—Voter Registration.

Sec. 12 requires that, by January 1, 2009, the mail registration form be changed to include an affidavit to be signed by the voter attesting to citizenship and age eligibility and requires each State to establish a program to permit voter registration through the Internet.

Sec. 13.—Establishing Voter Identification.

Sec. 13 requires that an individual may meet the identification requirement for voters who register by mail as described in Sec. 303 of the Help America Vote Act by executing a written affidavit attesting to the individual's identity.

Sec. 13 requires the Election Assistance Commission to develop standards for verifying voter identification information required for registration (the driver's license number or last four digits of the social security number), as described in Sec. 303 of the Help America Vote Act.

Sec. 14.—Impartial Administration of Elections.

Sec. 14 requires that each State will issue a public notice of changes in State election law since the most recent election.

Sec. 14 requires that each State will allow uniform, nondiscriminatory access to observe a Federal election at any polling place to party challengers, voting and civil rights organizations, and nonpartisan domestic and international observers.

Sec. 15.—Strengthening the Election Assistance Commission.

Sec. 15 requires the Election Assistance Commission to provide budget estimates and requests to the Congress, the House Administration Committee, and the Senate Rules

and Administration Committee when it submits such estimates and requests to the President or Office of Management and Budget; the section provides rule-making authority for the Election Assistance Commission with respect to subtitle C of this Act; the section requires that the Director of the National Institutes of Standards and Technology provide the Commission with technical support.

Sec. 15 authorizes $23 million for the operational costs of the Election Assistance Commission for fiscal year 2007, with $3 million earmarked for the National Institute of Standards and Technology for technical support, and such sums as necessary for the succeeding fiscal years.

Sec. 16.—Authorization of Appropriations.

Sec. 16 authorizes $2 billion for fiscal year 2007 and such sums as necessary thereafter for requirements grants to States under title II of the Help America Vote Act to implement the additional requirements.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. WEBB, Mr. TESTER, and Mr. BUNNING):

S. 731. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today, I am proud to introduce the National Carbon Dioxide Storage Capacity Assessment Act of 2007.

Our earth is getting warmer. The National Oceanic and Atmospheric Administration recently announced that 2006 was the warmest year on record, and every single year since 1993 has fallen in the top twenty warmest years on record.

In February 2007, a report released by the Intergovernmental Panel on Climate Change found the levels of carbon dioxide and other greenhouse gases in the atmosphere resulting from the burning of fossil fuels have increased more than 30 percent since the Industrial Revolution. The increased levels of greenhouse gases in the atmosphere are contributing to the increased temperatures we are seeing today.

The United States is the largest emitter of CO_2 in the world, and much of these emissions come from satisfying our energy needs. These same energy needs that fuel our homes, our cars, and our economy are hurting our planet. The debate on climate change in the Senate has started to transform, it has gone from whether or not climate change is real, to what can we do, now, to address climate change. There has been much discussion in the Senate about the need to create a clean energy future for America, and there is much optimism about our ability to produce energy in ways that do not harm the environment.

In attempting to limit emissions, one promising step we can take is to sequester carbon dioxide. Carbon sequestration is a process where carbon is captured before it is released into the atmosphere, compressed, and stored underground in geological areas such as saline formations, unmineable coal seams, and oil and gas reservoirs. This technology exists today.

My legislation would start us on the path to large-scale sequestration by directing the U.S. Geological Survey to conduct a national assessment of our sequestration capacity. Specifically, this assessment would evaluate the potential capacity and rate of carbon sequestration in all possible sites throughout the United States, as well the various risk levels involved.

Carbon sequestration also holds potential economic benefits for the United States. Sequestration has the potential to enhance the recovery capabilities of certain oil, gas, and coal-bed reservoirs increasing the efficiency of these important resources to the benefit of all.

The Department of Energy has already established seven regional carbon sequestration partnerships. These partnerships have vital experience and understanding about the potential for storing carbon dioxide. This bill will build upon the existing work of these partnerships, and create a national database assessable to the public on the potential storage sites across the United States—enabling companies to make cost-effective decisions needed to make sequestration a viable option.

The need to combat climate change is here; many of the techniques and technologies to combat climate change are available; and we have the will to act. What is missing for carbon sequestration is a accessible, national assessment of the potential storage sites. This bill gives us the tools our country needs to spur the implementation of carbon sequestration, fight climate change, and create a clean energy future.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 732. A bill to empower Peace Corps volunteers, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, today, March 1, marks the 46th Anniversary of the Peace Corps. Never in our history has it been more critical that the Peace Corps succeed in its mission to ''promote world peace and friendship.'' As we all know, the Peace Corps seeks to advance both a better understanding of Americans and better understanding by Americans; and these goals are especially central if we want to effectively counter the spread of extremist ideology to disaffected people around the world, people who, after all, know as little of us as we know of them.

Since 1961, nearly 190,000 Peace Corps volunteers have served our Nation as citizen diplomats. For the last 45 years, by living and working side-by-side with people from 139 nations, these volunteers have represented the very best of American ideals: working to improve the human condition, and overcoming barriers of culture, language and religion, through patience, mutual respect, and partnership.

The Peace Corps is an absolutely crucial instrument in advancing America's longer term foreign policy goals. And so today I am proud to introduce the Peace Corps Volunteer Empowerment Act that is designed to make the Peace Corps even more relevant to the dynamic world of the 21st Century. I am also very pleased to announce that another returned Peace Corps volunteer, Congressman SAM FARR will shortly introduce a companion bill in the House so that both bodies can begin working to pass this very important legislation.

The bill will provide seed monies for active Peace Corps volunteers for demonstration projects at their specific in-country sites. It authorizes $10 million in additional annual appropriations to be distributed by the Peace Corps as grants to returned Peace Corps volunteers interested in undertaking ''third goal'' projects in their communities. The bill will also authorize active Peace Corps volunteers to accept, under certain carefully defined circumstances, private donations to support their development projects.

For any organization to thrive, managers and leaders must have access to first-hand knowledge and perspectives of those working on the front lines. And so, this bill will establish mechanisms for more volunteer input into Peace Corps operations, including staffing decisions, site selection, language training and country programs. This bill will also explicitly protect certain rights of Peace Corps volunteers with respect to termination of service and whistleblower protection.

We must bring the Peace Corps into the digital age. To that end, this bill will provide volunteers with better means of communication by establishing websites and email links for use by volunteers in-country.

Inadequate funding and internal structural roadblocks have unfortunately resulted in an unfulfilled Presidential pledge to double the size of the Peace Corps by 2007. Despite a large increase in volunteers signing up for the Peace Corps immediately after September 11, the Congressional Research Service reports that the number of Peace Corps volunteers actually declined in 2006. It is crucial that we work to reverse this troubling trend. That is why this bill authorizes active recruitment from the 185,000 returned Peace Corps volunteer community for second tours as volunteers and as participants in third goal activities in the United States.

This bill will also remove certain medical, healthcare and other impediments that discourage older individuals from becoming Peace Corps volunteers. It will create more transparency in the medical screening and appeals process, and require reports on costs associated with extending post-service health coverage from 1 month to 6 months.

Finally, and perhaps most crucially, my bill includes annual authorizations for Fiscal Years 2008 to 2011, so that we can provide the means by which the

Peace Corps can double the number of volunteers to 15,000, by 2011.

In all the controversies of the past 5 years, all the vagaries of strategy and tactics and plans and counter plans, there's one policy that guarantees success: sending our best young men and women into the world to make America known. So, I encourage my colleagues to support this bill, to modernize, strengthen and enlarge the Peace Corps. On the 46th Anniversary of this great program, let us act swiftly to ensure that at the very least, the Peace Corps will continue to thrive for an additional 46 years.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 733. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, labor, and pensions.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to help businesses form group-purchasing cooperatives to obtain enhanced benefits, to reduce health care rates, and to improve quality for their employees' health care.

High health care costs are burdening businesses and employees across the Nation. These costs are digging into profits and preventing access to affordable health care. Too many patients feel trapped by the system, with decisions about their health dictated by costs rather than by what they need.

Nationally, the annual average cost to an employer for an individual employee's health care is $3,615. For a family, the employer contribution is $8,508. We must curb these rapidly increasing health care costs. I strongly support initiatives to ensure that everyone has access to health care. It is crucial that we support successful local initiatives to reduce health care premiums and to improve the quality of employees' health care.

By using group purchasing to obtain rate discounts, some employers have been able to reduce the cost of health care premiums for their employees. According to the National Business Coalition on Health, there are nearly 80 employer-led coalitions across the United States that collectively purchase health care. Through these pools, businesses are able to proactively challenge high costs and inefficient delivery of health care and share information on quality. These coalitions represent over 10,000 employers nationwide.

Improving the quality of health care will also lower the cost of care. By investing in the delivery of quality health care, we will be able to lower long term health care costs. Effective care, such as quality preventive services, can reduce overall health care expenditures. Health purchasing coalitions help promote these services and act as an employer forum for networking and education on health care cost containment strategies. They can help foster a dialogue with health care providers, insurers, and local HMOs.

Health care markets are local. Problems with cost, quality, and access to health care are felt most intensely in the local markets. Health care coalitions can function best when they are formed and implemented locally. Local employers of large and small businesses have formed health care coalitions to track health care trends, create a demand for quality and safety, and encourage group purchasing.

In Wisconsin, there have been various successful initiatives that have formed health care purchasing cooperatives to improve quality of care and to reduce cost. For example, the Employer Health Care Alliance Cooperative, an employer-owned and employer-directed not-for-profit cooperative, has developed a network of health care providers in Dane County and 12 surrounding counties on behalf of its 157 member employers. Through this pooling effort, employers are able to obtain affordable, high-quality health care for their nearly 73,000 employees and dependents.

This legislation seeks to build on successful local initiatives, such as the Alliance, that help businesses to join together to increase access to affordable and high-quality health care.

The Promoting Health Care Purchasing Cooperatives Act would authorize grants to a group of businesses so that they could form group-purchasing cooperatives to obtain enhanced benefits, reduce health care rates, and improve quality.

This legislation offers two separate grant programs to help different types of businesses pool their resources and bargaining power. Both programs would aid businesses to form cooperatives. The first program would help large businesses that sponsor their own health plans, while the second program would help small businesses that purchase their health insurance.

My bill would enable larger businesses to form cost-effective cooperatives that could offer quality health care through several ways. First, they could obtain health services through pooled purchasing from physicians, hospitals, home health agencies, and others. By pooling their experience and interests, employers involved in a coalition could better address essential issues, such as rising health insurance rates and the lack of comparable health care quality data. They would be able to share information regarding the quality of these services and to partner with these health care providers to meet the needs of their employees.

For smaller businesses that purchase their health insurance, the formation of cooperatives would allow them to buy health insurance at lower prices through pooled purchasing. Also, the communication within these cooperatives would provide employees of small businesses with better information about the health care options that are available to them. Finally, coalitions would serve to promote quality improvements by facilitating partnerships between their group and the health care providers.

By working together, the group could develop better quality insurance plans and negotiate better rates.

This legislation also tries to alleviate the burden that our Nation's farmers face when trying to purchase health care for themselves, their families, and their employees. Because the health insurance industry looks upon farming as a high-risk profession, many farmers are priced out of, or simply not offered, health insurance. By helping farmers join cooperatives to purchase health insurance, we will help increase their health insurance options.

Past health purchasing pool initiatives have focused only on cost and have tried to be all things for all people. My legislation creates an incentive to join the pools by giving grants to a group of similar businesses to form group-purchasing cooperatives. The pools are also given flexibility to find innovative ways to lower costs, such as enhancing benefits, for example, more preventive care, and improving quality. Finally, the cooperative structure is a proven model, which creates an incentive for businesses to remain in the pool because they will be invested in the organization.

We must reform health care in America and give employers and employees more options. This legislation, by providing for the formation of cost-effective coalitions that will also improve the quality of care, contributes to this essential reform process. I urge my colleagues to join me in supporting this proposal to improve the quality and costs of health care.

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. 733

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 ''Promoting Health Care Purchasing Cooperatives Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care spending in the United States has reached 16 percent of the Gross Domestic Product of the United States, yet 46,000,000 people remains uninsured.

(2) After nearly a decade of manageable increases in commercial insurance premiums, many employers are now faced with consecutive years of double digit premium increases.

(3) Purchasing cooperatives owned by participating businesses are a proven method of achieving the bargaining power necessary to manage the cost and quality of employer-sponsored health plans and other employee benefits.

(4) The Employer Health Care Alliance Cooperative has provided its members with

health care purchasing power through provider contracting, data collection, activities to enhance quality improvements in the health care community, and activities to promote employee health care consumerism.

(5) According to the National Business Coalition on Health, there are nearly 80 employer-led coalitions across the United States that collectively purchase health care, proactively challenge high costs and the inefficient delivery of health care, and share information on quality. These coalitions represent more than 10,000 employers.

(b) PURPOSE.—It is the purpose of this Act to build off of successful local employer-led health insurance initiatives by improving the value of their employees' health care.

SEC. 3. GRANTS TO SELF INSURED BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

(a) AUTHORIZATION.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary''), acting through the Director of the Agency for Healthcare Research and Quality, is authorized to award grants to eligible groups that meet the criteria described in subsection (d), for the development of health care purchasing cooperatives. Such grants may be used to provide support for the professional staff of such cooperatives, and to obtain contracted services for planning, development, and implementation activities for establishing such health care purchasing cooperatives.

(b) ELIGIBLE GROUP DEFINED.—

(1) IN GENERAL.—In this section, the term ''eligible group'' means a consortium of 2 or more self-insured employers, including agricultural producers, each of which are responsible for their own health insurance risk pool with respect to their employees.

(2) NO TRANSFER OF RISK.—Individual employers who are members of an eligible group may not transfer insurance risk to such group.

(c) APPLICATION.—An eligible group desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) CRITERIA.—

(1) FEASIBILITY STUDY GRANTS.—

(A) IN GENERAL.—An eligible group may submit an application under subsection (c) for a grant to conduct a feasibility study concerning the establishment of a health insurance purchasing cooperative. The Secretary shall approve applications submitted under the preceding sentence if the study will consider the criteria described in paragraph (2).

(B) REPORT.—After completion of a feasibility study under a grant under this section, an eligible group shall submit to the Secretary a report describing the results of such study.

(2) GRANT CRITERIA.—The criteria described in this paragraph include the following with respect to the eligible group:

(A) The ability of the group to effectively pool the health care purchasing power of employers.

(B) The ability of the group to provide data to employers to enable such employers to make data-based decisions regarding their health plans.

(C) The ability of the group to drive quality improvement in the health care community.

(D) The ability of the group to promote health care consumerism through employee education, self-care, and comparative provider performance information.

(E) The ability of the group to meet any other criteria determined appropriate by the Secretary.

(e) COOPERATIVE GRANTS.—After the submission of a report by an eligible group under subsection (d)(1)(B), the Secretary shall determine whether to award the group a grant for the establishment of a cooperative under subsection (a). In making a determination under the preceding sentence, the Secretary shall consider the criteria described in subsection (d)(2) with respect to the group.

(f) COOPERATIVES.—

(1) IN GENERAL.—An eligible group awarded a grant under subsection (a) shall establish or expand a health insurance purchasing cooperative that shall—

(A) be a nonprofit organization;

(B) be wholly owned, and democratically governed by its member-employers;

(C) exist solely to serve the membership base;

(D) be governed by a board of directors that is democratically elected by the cooperative membership using a 1-member, 1-vote standard; and

(E) accept any new member in accordance with specific criteria, including a limitation on the number of members, determined by the Secretary.

(2) AUTHORIZED COOPERATIVE ACTIVITIES.—A cooperative established under paragraph (1) shall—

(A) assist the members of the cooperative in pooling their health care insurance purchasing power;

(B) provide data to improve the ability of the members of the cooperative to make data-based decisions regarding their health plans;

(C) conduct activities to enhance quality improvement in the health care community;

(D) work to promote health care consumerism through employee education, self-care, and comparative provider performance information; and

(E) conduct any other activities determined appropriate by the Secretary.

(g) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date on which grants are awarded under this section, and every 2 years thereafter, the Secretary shall study programs funded by grants under this section and provide to the appropriate committees of Congress a report on the progress of such programs in improving the access of employees to quality, affordable health insurance.

(2) SLIDING SCALE FUNDING.—The Secretary shall use the information included in the report under paragraph (1) to establish a schedule for scaling back payments under this section with the goal of ensuring that programs funded with grants under this section are self sufficient within 10 years.

SEC. 4. GRANTS TO SMALL BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

The Secretary shall carry out a grant program that is identical to the grant program provided in section 3, except that an eligible group for a grant under this section shall be a consortium of 2 or more employers, including agricultural producers, each of which—

(1) have 99 employees or less; and

(2) are purchasers of health insurance (are not self-insured) for their employees.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

From the administrative funds provided to the Secretary, the Secretary may use not more than a total of $60,000,000 for fiscal years 2008 through 2017 to carry out this Act.

By Mr. SPECTER:

S. 734. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to provide relief to the rising number of taxpayers impacted by the Alternative Minimum Tax (AMT). Between a lack of indexing for inflation and higher AMT tax rates relative to the regular income tax system, we now have a tax system which has grown far beyond its intended result. Important changes must be made to address these two critical issues. Absent legislative action, the number of taxpayers subject to AMT liability will continue to rise sharply. The AMT Rate Reduction Act of 2007 would bring the AMT back ''in line'' with the regular individual income tax by reducing its rate back to 24 percent. Combined with the continued extension of the AMT exemption, this proposal would remove millions of unintended middle-class taxpayers from the AMT rolls.

The AMT functions as a parallel tax system to the regular income tax so that when a taxpayer's AMT liability exceeds their regular income tax liability, that person must pay the AMT. The AMT is set up to ensure that high-income taxpayers pay their fair share by denying certain deductions and exemptions available under the regular income tax. However, the AMT is now hitting the middle class—and hitting them hard.

It is important to keep in mind that the first version of the AMT was created in 1969 in response to a small number of high-income individuals who had paid little or no federal income taxes. In 2006, 3.5 million taxpayers will be subject to the AMT, and that number will continue to increase sharply in the coming decade. In Pennsylvania alone, 79,000 individuals filed their returns under the AMT in 2003, accounting for 1.37 percet of all Pennsylvania returns; 114,000 Pennsylvania returns were filed under the AMT in 2004, accounting for 1.97 percent of all Pennsylvania returns; and 137,486 Pennsylvania returns were filed under the AMT in 2005.

This onerous tax is slapped on average American families largely because the AMT is not indexed for inflation, while the regular income tax is indexed, and taxpayers are ''pushed'' into the AMT through so-called ''bracket creep.'' Temporary increases in the AMT exemption amounts expired at the end of 2006. The Economic Growth and Tax Relief Reconciliation Act of 2001 increased the AMT exemption amount effective for tax years between 2001 and 2004; the Working Families Tax Relief Act of 2004 extended the previous increase in the AMT exemption amounts through 2005; and the Tax Increase Prevention and Reconciliation Act of 2005 increased the AMT exemption amount for 2006. If we do not again adjust the AMT exemption amount, it is estimated that the number of taxpayers subject to the AMT will jump from 3.5 million in 2006 to 23 million in 2007, with middle-income taxpayers most affected. In Pennsylvania alone, that number will jump drastically to 837,000 in 2007. According to the Congressional Research Service, taxpayers

filing joint returns with no dependents will be subject to the AMT starting at income levels of $75,386. Large families will be subject to the AMT at income levels as low as $49,438.

In addition to the issue of indexing the AMT exemption amount for inflation, the AMT tax rate relative to the regular income tax must also be addressed to keep additional taxpayers who were never intended to pay the AMT from being subject to its burdensome grasp. In 1993, President Clinton and a Democrat-controlled Congress imposed a significant tax hike on Americans through the regular income tax. At the same time, the AMT tax rate was also increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000. In theory, these simultaneous changes had the effect of keeping roughly the same number of individuals paying their taxes under the AMT. However, when President Bush's tax cuts were enacted in 2001 and 2003, Congress did not again adjust the AMT tax rates. Ironically, by reducing regular income tax liabilities without substantially changing the AMT, many new taxpayers were pushed into these higher AMT tax rates created in 1993.

According to an editorial in the Wall Street Journal (WSJ) on February 23, 2007, entitled ''Bill Clinton's AMT Bomb,'' the number of filers paying the AMT increased from 300,000 to nearly 2 million between 1992 and 2002. The WSJ also cites a Joint Committee on Taxation (JCT) analysis from April 2006 which shows that about 11 million more Americans will have to pay the AMT next year as a result of the 1993 AMT rate increase. It concludes that ''going back to the pre-Clinton rates would leave only about 2.6 million tax filers subject to an AMT penalty next year instead of 23 million under current law.''

The most unfortunate aspect of adjusting the AMT is the associated cost. According to the April 2006 JCT analysis, the ten-year cost of my proposal, combined with extension of the AMT exemption amount, is a staggering $632.7 billion. However, it is still substantially less than the cost of full repeal. According to the Congressional Research Service, it is estimated that repealing the AMT would cost, depending on whether the recent reductions in the regular income tax are extended beyond 2010, $806 billion to over $1.4 trillion from 2007 through 2016.

I am cognizant of the fact that Democrats in the 110th Congress will seek to fully offset the cost of the lost revenue resulting from any adjustment to the AMT. With the political realities being as such, I am willing to work with my colleagues to identify reasonable offsets, if they are necessary, to garner broad support for this effort. However, it is questionable whether an offset should be needed to recover ''lost'' revenue that was never intended to be collected in the first place.

I look forward to working with my colleagues to both simplify our tax code and to identify the best avenue for keeping unintended taxpayers from falling prey to the AMT. I will continue to support the so-called ''hold-harmless patch.'' By both extending and increasing the AMT exemption amount to keep up with inflation, the ''patch'' ensures that no additional taxpayers on the lower end of the income spectrum become liable for the AMT. However, I urge my colleagues to support my legislation which would remove millions of additional unintended taxpayers who are currently subject the AMT.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 734

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 ''AMT Rate Reduction Act of 2007''.

SEC. 2. REDUCTION IN RATE OF TENTATIVE MINIMUM TAX FOR NONCORPORATE TAXPAYERS.

(a) IN GENERAL.—Clause (i) of section 55(b)(1)(A) of the Internal Revenue Code of 1986 (relating to noncorporate taxpayers) is amended to read as follows:

''(i) IN GENERAL.—In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is—

''(I) 24 percent of the taxable excess, reduced by

''(II) the alternative minimum tax foreign tax credit for the taxable year.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 55(b)(1) of such Code is amended by striking clause (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, and Mr. COLEMAN, and Mr. KYL):

S. 735. A bill to amend title 18, United States Code, to improve the terrorist hoax statute; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, in the wake of the tragic events of September 11, Congress, the Administration and the country faced the urgent need to do all we can to strengthen our national security and counterterrorism strategy. Soon after the attacks, Congress moved swiftly to enact new intelligence and law enforcement powers for the Federal Government through the PATRIOT Act. Since then, we have also enacted legislation to reform our intelligence laws, and we spent significant time re-authorizing key provisions of the PATRIOT Act last year.

Yet, much work still needs to be done to achieve the goals of the 9/11 Commission. Two and a half years after its report, many of its recommendations haven't been implemented and the Nation remains seriously unprepared for another terrorist strike. A top priority is to enact the pending Improving America's Security Act—an important step in the right direction to implement the Commission's recommendations and strengthen the nation's preparedness against terrorism.

Given the circumstances driving the passage of these measures, the administration and Congress must continue to work together to assess whether existing national security laws are adequate and make necessary improvements when required.

While families in Boston, New York and across the country were still grieving over the tragedy of September 11, our communities suddenly faced a new threat, when anthrax contamination resulted in 5 deaths and 20 hospitalizations across the country. As Federal, State and local law enforcement struggled to deal with the threat of terrorism, yet another challenge arose because of reckless individuals who perpetrated hoaxes that caused panic, unrest and expenditure of critical resources.

Since September 11 such hoaxes have seriously disrupted many lives and needlessly diverted law-enforcement and emergency-services resources. In the wake of the anthrax attacks in the fall of 2001, for example, a number of individuals mailed unidentified white powder, intending for the recipient to believe it was anthrax. Over 150,000 anthrax hoaxes were reported between September 2001 and August 2002.

In Massachusetts, one of these hoaxes was directed at a military facility. Fire trucks and hazmat responders rushed to the scene at the Agawam armory, only to learn that the powder spread over the armory equipment was not a toxic substance.

Hoaxes about anthrax continue to be a serious problem. Earlier this week, such a scare shut down a university campus in Missouri when a student claimed to have a bomb and anthrax. It was a false alarm, but authorities had no choice except to make a serious response. They quarantined 23 people and evacuated 6,000 students from the campus and a nearby elementary school. The emotional and financial costs associated with these hoaxes puts an extraordinary strain on our communities and resources.

Progress has been made to pass Federal and State laws to give prosecutors the authority to charge perpetrators engaging in such reckless conduct. Without tough and comprehensive laws on the books, successful and fair prosecutions are much more difficult.

In 2004, Congress enacted the first Federal terrorism hoax statute. Its purpose was to establish definitions and set serious penalties to deal with the problem of hoax crimes, but events have moved the need for additional authority. A significant number of prosecutions have taken place for individuals who disrupt communities with terrorist hoaxes, but a disturbing pattern has also developed of new hoaxes not covered by the original law.

A few weeks ago in Boston, advertisers using so-called ''guerrilla tactics'' left strange packages near sites essential for our region's infrastructure. A serious response obviously had to be made, but its cost was high. Our public safety officials did an outstanding job in responding to the threat and discovering the hoax. Boston, Cambridge, Somerville and other affected local governments are struggling to deal with the cost and lost productivity it caused.

The incident highlighted the need to close the gaps in existing federal law on terrorist hoaxes. The current statute only punishes hoaxes involving an unduly restricted list of terrorist offenses. This list does not include, for example, hoaxes related to taking hostages, to blowing up energy facilities, attacks on military bases, or attacks on railways and mass-transit facilities, such as the London bombings.

The legislation I am introducing today will punish hoaxes involving any terrorist offense listed in current law. It also increases the maximum penalty for hoaxes involving the death or injury of a U.S. soldier during wartime.

One such incident involved a soldier from Flagstaff, Arizona who was then serving in Iraq. On a Sunday morning a prank caller devastated the family of a 22-year-old in the Army, falsely telling them their son was dead. The call came only hours after the soldier had appeared in an Arizona Daily Sun photo at a Support the Troops rally.

The hoax was a nightmare for the family. It took them a full day to get confirmation that their son was still alive in Iraq. As a member of the family testified, ''As a result of this ordeal, my family had been put in an upheaval that is unimaginable. My mother, my brother, my sister and everybody in my family were placed in terror and immeasurable pain. My niece even went into premature labor.''

The consequences of this hoax went beyond the soldier's family. The Army had allowed him to call home from Iraq by satellite phone to reassure them that he was alive and uninjured. But another soldier had been killed bringing him the satellite phone to make the call.

As the son wrote to his uncle: ''I have seen things words can't describe and done things I don't want to. I lost some friends out here loading their bodies on the truck was the worst feeling in the world. One guy died bringing me a satellite phone so I could call dad to let him know I was alive. It made me think of Saving Private Ryan. Was it worth his life and the risk of three others to bring me a phone? I know it was a relief to all of you to hear I was OK. Now I feel I must make my life worth his. I don't know if I can do that.''

The person who caused such a hoax deserves to be punished. This bill assures that effective penalties will be imposed for similar crimes in the future.

The bill also expands civil liability to allow first responders and others to seek reimbursement from a party who knows that first responders are responding to such a hoax and fails to inform authorities that no such event has occurred.

Finally, the bill clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a person.

It's unconscionable in this post-9/11 world, for anyone to be perpetrating hoaxes that cause panic and drain already limited public safety resources.

All of us remember where we were and what we were doing on 9/11. We will never forget the lives that were lost and the heroism of the first responders. We honor all those working so hard today to prevent future attacks. Hopefully, this bill will fulfill its purpose of preventing the false alarms that can be so disruptive of our families and our communities in these difficult and dangerous times.

Mr. COLEMAN. Mr. President, the legislation that I am introducing today along with Senator's KENNEDY and KYL will install tougher penalties on those who commit terrorism hoaxes. This is a very important issue to me given the September 2001 bomb threat to the Mall of America and because St. Paul is hosting the 2008 Republican Convention.

We need to send a clear message to those planning a terrorism hoax that they will pay for it dearly by spending a number of years in prison. Terrorizing the public through false threats is not a joke and should be treated as criminal conduct. The threats may be fake but the consequences are very real in costs to first responders, lost revenues and sometimes the loss of human life.

The problem is the current federal statute only punishes hoaxes involving an unduly restricted list of terrorist offenses. This list does not include: hoaxes related to the taking of hostages in order to coerce the Federal Government; hoaxes related to blowing up an energy facility; hoaxes related to attacks on military bases aimed at undermining national defense; or hoaxes related to attacks on railways and mass-transportation facilities, such as the recent London bombings.

The Kennedy-Coleman-Kyl legislation fills these gaps by expanding the hoax statute to punish hoaxes involving any offense included on the U.S. Code's official list of federal terrorist offenses. Specifically, this bill: expands on the current terrorism hoax statute so this punishes hoaxes about any terrorist offense on the U.S. Code's official list of terrorist offenses; increases the maximum penalties for hoaxes about the death or injury of a U.S. soldier during wartime; expands current law's civil liability provisions to allow first responders and others to seek reimbursement from a party who perpetrates a hoax and becomes aware that first responders believe that a terrorist offense is taking place but fails to inform authorities that no such event has occurred; and clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a natural person.

The bill increases the penalties for perpetrating a hoax about the death, injury, or capture of a U.S. soldier during wartime. Under the bill, the maximum penalty for such hoax would be 10 years' imprisonment, and a hoax resulting in serious bodily injury could be punished by up to 25 years' imprisonment. I urge my colleagues to pass this bipartisan measure.

By Mr. KENNEDY (for himself and Mr. SMITH):

S. 736. A bill to provide for the regulation and Oversight of laboratory tests; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator SMITH today to introduce the Laboratory Test Improvement Act. Our goal is to ensure the quality of clinical tests used every day in hospitals and doctors' offices across the country. Physicians often base medical decisions on the results of such tests, and patients deserve confidence that they will not be wrongly diagnosed or given the wrong pill because of a faulty test.

In this era of rapid progression in the life sciences, we are learning more and more about the human genome and the genetic basis of disease. Genetic tests are now available for over a thousand different diseases, and the number is continuing to grow. The tests are being used to diagnose illnesses, predict who is most susceptible to specific diseases, and identify persons who carry a genetic disease that they could pass on to their children.

Today, doctors often apply different treatments until they find one that is effective and safe for a patient. But such a trial and error strategy often delays effective treatment and may well cause avoidable adverse events. In many cases today, however, clinical tests can enable doctors to avoid such errors. Through personalized medicine and the use of newly developed genetic tests, doctors are able to give a particular drug only to patients in whom it is very likely to be effective and safe, and can avoid giving it to patients who might suffer an adverse reaction.

As additional technologies are developed and our knowledge increases, clinical testing will become more and more important in guiding medical decisions, and it is essential for us to see that the tests meet a high standard. We know, however, that patients have received the wrong results from some tests. In some cases, the claims associated with genetic tests are clearly dubious.

Last year, Senator SMITH chaired a hearing by the Special Committee on Aging on a GAO report, which found that some genetic tests sold to the public have no scientific merit. Our legislation will give health providers and

patients the best possible information about the analytical and clinical validity of all clinical tests. It is our responsibility to guarantee that such tests are accurate and reliable, and I urge our colleagues to support it.

By Mr. OBAMA:

S. 737. A bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States; to the Committee on Rules and Administration.

Mr. OBAMA. Mr. President. I am proud to introduce the Voter Advocate and Democracy Index Act of 2007 with the goal of having the Act help inform voters and State officials on how well their States are doing on a basic set of procedural standards for making polls accessible to voters and making the right to vote as easy to exercise as possible.

The Act would establish an Office of the Voter Advocate within the Election Assistance Commission that would be charged with creating a Democracy Index. The Index would rank States according to a system of measurable, basic state election practices. With that information, States could identify weak spots in their process, and voters could push for better performance.

The concept is based on a proposal that Yale Law School Professor Heather Gerken published this January in Legal Times. It focuses on issues that matter to all voters: How long did voters spend in line? How many ballots got discarded? How often did the balloting machinery break down?

The Act would constitute an important first step toward improving the health of our democracy. We are all familiar with the problems that have recently plagued our elections: Long lines, lost ballots, voters improperly turned away from the polls. These are basic failures of process. Until we fix them, we run the risk in every election that we will once again experience the kind of chaos and uncertainty that paralyzed the Nation in 2000. We can do better. We must do better. But to do better, we need more than anecdotal information. We need better, nonpartisan, objective information.

This bill would provide that information. Some voters have personally experienced problems in casting a ballot; others see stories on the news about election results tainted by malfunctioning machines, inadequate registration lists, or poorly trained administrators. I believe that these issues are merely the visible symptoms of a deeper, systemic problem in the way our election system is run. But voters need a yardstick for evaluating the full extent of the problem and what needs to be done to improve the election process in their State.

Toward that end, this bill would charge the Office of the Voter Advocate with creating the Democracy Index and specifying the success or failure of States in meeting the criteria that the index is going to measure. The bill also ensures that the Office of the Voter Advocate will draw upon the experience and knowledge of experts and citizens in thinking about what information voters would want to know in evaluating the health of their State's election process. And it requires the Office to establish a pilot program for the 2008 election, use the lessons learned from that experience, and make the Index a reality nationwide as soon as possible.

The Democracy Index would encourage healthy competition among States to improve their systems. It would allow states to engage in healthy experimentation about how best to run an election. In short, the Democracy Index will empower voters and encourage States to work toward the goal we all share: an election system that makes us all proud.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, and Mr. COLEMAN):

S. 738. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today to speak, there are countless small businesses in the Gulf Coast, right this moment, that are open for business. The fact that they are open at all is a testament to the hard work and resolve of their owners, along with the focus and commitment of community leaders, state and local officials, as well as Congress and the White House. This is because, as you know, the Gulf Coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita.

I strongly believe that we cannot rebuild the Gulf Coast without our small businesses. Small businesses not only create jobs and pay taxes—they provide the innovation and energy that drives our economy. In fact, before Katrina and Rita hit, there were more than 95,000 small businesses in Louisiana, employing about 850,000 people—more than half of my State's workforce. About 39,000 of these businesses have yet to resume normal operations so I intend to do everything I can in the coming months to get them back up and running.

That is why today I am introducing legislation to first help small businesses in the Gulf recover, as well as to provide assistance to businesses in other parts of the country. In particular, this legislation is focused on promoting exports by U.S. small businesses. Small businesses are important players in international trade, which is reflected in the fact that small businesses represent that 96 percent of all exporters of goods and services. In Louisiana, we have about 2,000 declared exporters. However, there are many more businesses in my State who conduct Internet sales overseas, as well as those who focus operations on domestic sales but have some international buyers as well. These businesses are exporters but in many cases they do not even realize it!

Given the importance of these exporters to my state and to the rest of the country, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. Certainly my first priority is to provide additional assistance to affected Gulf Coast small businesses. As they continue to recover, one of the main issues being faced by our small business is accessing capital. Our exporters are no different. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs. This legislation would help strengthen the SBA International Finance Specialist program to help these small businesses access export financing.

Today I am introducing the Small Business International Trade Enhancements Act of 2007 to give all small businesses the opportunity to expand their operations into international markets. I am pleased to have Senator KERRY, the Chair of the Senate Small Business Committee, as well as Senator SNOWE, the Ranking Member, and my colleague Senator COLEMAN, as cosponsors.

As I mentioned we have 2,000 exporters in Louisiana. However, there are many other businesses who are exporters, but they do not even realize it. They may have overseas Internet sales, or they focus operations on domestic sales, but have some international buyers as well. In fact, the Small Business Administration has stated that over 96 percent of all exporters of goods and services are small businesses.

Given the importance of these exporters to my State and to the rest of the Gulf Coast, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. As they continue to recover, one of the main issues being faced by our small business is accessing capital. Our exporters are no different. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs.

To assist these businesses, fifteen SBA Finance Specialists operate out of 100 U.S. Export Assistance Centers administered by the Department of Commerce around the country. That is a record staffing low for this program, down from a peak of 22 Finance Specialists in 2000. To ensure that all smaller exporters nationwide will continue to have access to export financing, this bill establishes a floor of 18 International Finance Specialists. I believe this will send a signal to our exporters that, despite current budget

deficits, we are committed to our exporters and want to provide them with the necessary resources to compete internationally.

I realize that the need for export financing is not just limited to the Gulf Coast. There are small businesses nationwide that are looking to find markets overseas. One tool that they can use is the SBA's International Trade Loan (ITL) program. International Trade Loans can help exporters develop and expand overseas markets; upgrade equipment or facilities; and assist exporters that are being hurt by import competition. Exporters can borrow up to $2 million, with $1,750,000 guaranteed by SBA.

However, as currently structured these loans are not user-friendly to lenders or borrowers and, as a result, are underutilized. Let me explain what I mean. First, the $250,000 difference between the loan cap and the guarantee requires borrowers to take out a second SBA loan to take full advantage of the $2 million guarantee. ITLs can only be used to acquire fixed assets and not working capital, a common need for exporters. Furthermore, ITLs do not have the same collateral or refinancing requirements as SBA 7(a) loans. Because of these issues, lenders do not use these loans.

This legislation will also reduce the paperwork by increasing the maximum loan guarantee to $2,750,000 and the loan cap to $3,670,000 to bring it more in line with the 7(a) program. The bill also creates a more flexible ITL by setting out that working capital is an eligible use for loan proceeds, in addition to making the ITL consistent with regular 7(a) loans by allowing the same collateral and refinancing terms as with 7(a).

The SBA International Trade and Export Loans are valuable tools for exporters but they are useless if there is no one to assist borrowers with identifying which loans are right for them. Local lending institutions that specialize in export financing can help but at a cost over less than $2 million per year, the current group of Finance Specialists has obtained bank financing for more than $10 billion in U.S. exports since 1999. The $10 billion in export sales financed by these specialists helped to create over 140,000 new, high-paying U.S. jobs.

The Small Business International Trade Enhancements Act of 2007 is an important first step, not just for exporters in the Gulf Coast, but also for small businesses nationwide who are looking to open markets overseas. I urge my colleagues to support this legislation since it will help our exporters in the Gulf Coast recover and also give small businesses nationwide more options when they are seeking export financing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 738

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 ''Small Business International Trade Enhancements Act of 2007''.

SEC. 2. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22(a) of the Small Business Act (15 U.S.C. 649(a)) is amended by adding at the end the following: ''The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One of the Associate Administrators shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out through the Associate Administrator for International Trade;

''(2) the Associate Administrator for International Trade has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator for International Trade has direct supervision and control over the staff of the Office of International Trade, and over any employee of the Administration whose principal duty station is a United States Export Assistance Center or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) TECHNICAL AMENDMENT.—Section 22(c)(5) of the Small Business Act (15 U.S.C. 649(c)(5)) is amended by striking the period at the end and inserting a semicolon.

(f) EFFECTIVE DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

SEC. 3. OFFICE OF INTERNATIONAL TRADE.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''**SEC. 22.** (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—There''.

(2) in subsection (a), by inserting ''(referred to in this section as the 'Office'),'' after ''Trade'';

(3) in subsection (b)—

(A) by striking ''The Office'' and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Office, including United States Export Assistance Centers (referred to as 'one-stop shops' in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)) and as 'export centers' in this section)''; and

(B) by amending paragraph (1) to read as follows:

''(1) assist in maintaining a distribution network using regional and local offices of the Administration, the small business development center network, the women's business center network, and export centers for—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment;

''(D) trade remedy assistance; and

''(E) trade data collection.'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the access to capital by small business concerns;

''(E) disseminating information concerning Federal, State, and private programs and initiatives; and

''(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;'';

(C) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D)'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D)''; and

(D) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''office. Such specialists'' and inserting ''office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (D), by striking ''and'' at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(F) participate jointly with employees of the Office in an annual training program that focuses on current small business needs for exporting; and

''(G) jointly develop and conduct training programs for exporters and lenders in cooperation with the United States Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.'';

(5) in subsection (d)—

(A) by inserting ''EXPORT FINANCING PROGRAMS.—'' after ''(d)'';

(B) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(C) by striking ''The Office shall work in cooperation'' and inserting the following:

''(1) IN GENERAL.—The Office shall work in cooperation''; and

(D) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCIAL SPECIALIST.—To accomplish the goal established under paragraph (1), the Office shall—

''(A) designate at least 1 individual within the Administration as a trade financial specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(6) in subsection (e), by inserting ''TRADE REMEDIES.—'' after ''(e)'';

(7) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Office shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) the destinations of travel by Office staff and benefits to the Administration and to small business concerns therefrom; and

''(3) a description of the participation by the Office in trade negotiations.'';

(8) in subsection (g), by inserting ''STUDIES.—'' after ''(g)''; and

(9) by adding at the end the following:

''(i) EXPORT ASSISTANCE CENTERS.—

''(1) IN GENERAL.—During the period beginning on October 1, 2006, and ending on September 30, 2009, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the one-stop shops referred to in section 2301(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721 (b)) is not less than the number of such employees so assigned on January 1, 2003.

''(2) PRIORITY OF PLACEMENT.—Priority shall be given, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(A) had an Administration employee assigned to such Center before January 2003; and

''(B) has not had an Administration employee assigned to such Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(4) GOALS.—The Office shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Centers.

''(5) OVERSIGHT.—The Office shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Centers.''.

SEC. 4. INTERNATIONAL TRADE LOANS.

(a) IN GENERAL.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$2,750,000 (or if the gross loan amount would exceed $3,670,000), of which not more than $2,000,000''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period and inserting ''; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines such lien provides adequate assurance of the payment of such loan.''.

(d) REFINANCING.—Section 7(a)(16)(A)(ii) of the Small Business Act (15 U.S.C. 636(a)(16)(A)(ii)), as amended by this section, is amended by inserting '', including any debt that qualifies for refinancing under any other provision of this subsection'' before the semicolon.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. CARDIN, Mr. KERRY, Ms. CANTWELL, and Mrs. LINCOLN):

S. 739. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I am reintroducing legislation entitled the Children's Dental Health Improvement Act of 2007, along with several of my colleagues. This legislation is designed to improve the access and delivery of dental health services to our Nation's children through Medicaid, through the State Children's Health Insurance Program, SCHIP, through the Indian Health Services, or IHS, and also through our Nation's safety net of community health centers.

The oral health problems facing children in this country are widespread. They are closely associated with poverty. Tooth decay remains the single most common childhood disease nationwide. Although poor children are more than twice as likely to have cavities as wealthier children, experts report that they are far less likely to receive treatment. The dramatic consequences of this lack of oral health care were underscored yesterday in the Washington Post article discussing the death of 12-year-old Deamonte Driver from complications arising from a lack of dental care. I know Senator CARDIN has spoken on this same tragic incident.

A little over a month ago, Deamonte Driver came home complaining of a toothache. Today, that young man is dead. What began as a simple toothache developed into an abscessed tooth and, eventually, a brain infection that killed him. Although his family attempted to access care, they could not acquire meaningful oral health services either when they were on the Medicaid Program or while they were uninsured.

While this young man's death is shocking, the lack of access to dental care that it reflects is not unusual. The inspector general of the Department of Health and Human Services reported that only 18 percent of the children who are eligible for Medicaid actually received even a single preventive dental service. The inspector general also reports that there is no State in the Union that provides preventive services to more than 50 percent of the eligible children. The factors are complex, but the primary one is due to the limited participation by dentists in the Medicaid Program because of the very low reimbursement rates that are provided. Such issues played a central role in the death of this young man.

The Children's Dental Health Improvement Act of 2007 provides a comprehensive strategy to address the underlying oral health issues that led to Deamonte's death. First, the legislation provides grants to States to improve dental services to children enrolled in Medicaid and SCHIP. Such grants will not only assure improved delivery of dental services to children but also improved payment rates for dental services that are provided through those two programs. The bill will also include grants to federally qualified health centers, to county and local public health departments, to dental schools, Indian tribes, tribal corporation organizations, and others to increase the availability of primary dental care services in underserved areas.

The bill also provides critical bonus payments to dentists within the Indian Health Service who commit to work there for 2, 3, or 4 years. The legislation also ensures SCHIP funds will be utilized to provide coverage for dental services for low-income children who have access to limited health insurance coverage that does not include dental services. This is known as wraparound coverage, and it is crucial that we provide for this.

In addition, the bill would make important changes to the way in which dental residents are counted for Medicare graduate medical education or GME purposes to incentivize dental schools to train a larger number of dentists.

Finally, the legislation also creates a comprehensive oral health initiative aimed at reducing oral health disparities for vulnerable populations such as low-income children and children with developmental disabilities. Such activities will be administered through the Department of Health and Human Services, the Centers for Disease Control, and a newly established chief dental officer for Medicaid and SCHIP. Such activities will also include school-based dental sealant programs as well as basic oral health promotion.

I introduce the legislation in the hope that this Congress will act this year to ensure that Deamonte's death does not repeat itself, that no more of America's children will suffer needlessly or even, as in this case, die as a result of a lack of access to meaningful oral health care. I urge my colleagues in the Senate to join me in supporting this important legislation.

I would like to thank the American Dental Association, the American Dental Education Association, the American Academy of Pediatric Dentistry, the National Association of Community Health Centers, Inc., the National Association of Children's Hospitals, the American Dental Hygienists' Association, and the Children's Dental Health Project for their outstanding support and/or their technical advice on this legislation. This bill is a result of their outstanding work.

In particular, I want to thank Dr. Burt Edelstein, Libby Mullin, and Ann De Biasi of the Children's Dental Health Project for their vast knowledge and technical assistance on this issue. I want to thank Judy Sherman of the American Dental Association, Myla Moss and Jack Bresch of the American Dental Education Association, Dr. Herber Simmons and Scott Litch of the American Academy of Pediatric Dentistry, Karen Sealander of the American Dental Hygienists' Association, Dr. Jim Richeson and Judy Kloss Bynum of the Academy of General Dentistry, Dr. Stephen Corbin of Special Olympics, Inc., and Dan Hawkins, Chris Koppen, and Roger Schwartz of the National Association of Community Health Centers, Inc., for their valuable insight, technical advice, and continued support for this legislation. I look forward to working with them all to ensure that we achieve increased access to oral health care for our children.

In addition to those organizations, I would like to thank the following groups for their support of the bill, whether in the past session of Congress or this year. They include: the Academy of General Dentistry, American Academy of Child and Adolescent Psychiatry, American Academy of Oral and Maxillofacial Pathology, American Academy of Periodontology, American Association of Dental Examiners, American Association of Dental Research, American Association of Endodontists, American Association of Public Health Dentistry, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American Association of Women Dentists, American College of Dentists, American College of Preventive Medicine, American Dental Trade Association, American Public Health Association, American Society of Dentistry for Children, American Student Dental Association, Association of Clinicians for the Underserved, Association of Maternal and Child Health Programs, Association of State and Territorial Dental Directors, Dental Dealers of America, Dental Manufacturers of America, Inc., Family Voices, Hispanic Dental Association, International College of Dentists—USA, March of Dimes, National Association of City and County Health Officers, National Association of Local Boards of Health, National Dental Association, National Health Law Program, New Mexico Department of Health, Partnership for Prevention, Society of American Indian Dentists, Special Care Dentistry, and United Cerebral Palsy Associations.

I ask unanimous consent that the Washington Post article and the text of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 28, 2007]

FOR WANT OF A DENTIST

(By Mary Otto)

Twelve-year-old Deamonte Driver died of a toothache Sunday.

A routine, $80 tooth extraction might have saved him.

If his mother had been insured.

If his family had not lost its Medicaid.

If Medicaid dentists weren't so hard to find.

If his mother hadn't been focused on getting a dentist for his brother, who had six rotted teeth.

By the time Deamonte's own aching tooth got any attention, the bacteria from the abscess had spread to his brain, doctors said. After two operations and more than six weeks of hospital care, the Prince George's County boy died.

Deamonte's death and the ultimate cost of his care, which could total more than $250,000, underscore an often-overlooked concern in the debate over universal health coverage: dental care.

Some poor children have no dental coverage at all. Others travel three hours to find a dentist willing to take Medicaid patients and accept the incumbent paperwork. And some, including Deamonte's brother, get in for a tooth cleaning but have trouble securing an oral surgeon to fix deeper problems.

In spite of efforts to change the system, fewer than one in three children in Maryland's Medicaid program received any dental service at all in 2005, the latest year for which figures are available from the Federal Centers for Medicare and Medicaid Services.

The figures were worse elsewhere in the region. In the District, 29.3 percent got treatment, and in Virginia, 24.3 percent were treated, although all three jurisdictions say they have done a better job reaching children in recent years.

"I certainly hope the state agencies responsible for making sure these children have dental care take note so that Deamonte didn't die in vain," said Laurie Norris, a lawyer for the Baltimore-based Public Justice Center who tried to help the Driver family. "They know there is a problem, and they have not devoted adequate resources to solving it."

Maryland officials emphasize that the delivery of basic care has improved greatly since 1997, when the state instituted a managed care program, and 1998, when legislation that provided more money and set standards for access to dental care for poor children was enacted.

About 900 of the state's 5,500 dentists accept Medicaid patients, said Arthur Fridley, last year's president of the Maryland State Dental Association. Referring patients to specialists can be particularly difficult.

Fewer than 16 percent of Maryland's Medicaid children received restorative services—such as filling cavities—in 2005, the most recent year for which figures are available.

For families such as the Drivers, the systemic problems are often compounded by personal obstacles: lack of transportation, bouts of homelessness and erratic telephone and mail service.

The Driver children have never received routine dental attention, said their mother, Alyce Driver. The bakery, construction and home health-care jobs she has held have not provided insurance. The children's Medicaid coverage had temporarily lapsed at the time Deamonte was hospitalized. And even with Medicaid's promise of dental care, the problem, she said, was finding it.

When Deamonte got sick, his mother had not realized that his tooth had been bothering him. Instead, she was focusing on his younger brother, 10-year-old DaShawn, who "complains about his teeth all the time," she said.

DaShawn saw a dentist a couple of years ago, but the dentist discontinued the treatments, she said, after the boy squirmed too much in the chair. Then the family went through a crisis and spent some time in an Adelphi homeless shelter. From there, three of Driver's sons went to stay with their grandparents in a two-bedroom mobile home in Clinton.

By September, several of DaShawn's teeth had become abscessed. Driver began making calls about the boy's coverage but grew frustrated. She turned to Norris, who was working with homeless families in Prince George's.

Norris and her staff also ran into barriers: They said they made more than two dozen calls before reaching an official at the Driver family's Medicaid provider and a state supervising nurse who helped them find a dentist.

On Oct. 5, DaShawn saw Arthur Fridley, who cleaned the boy's teeth, took an X-ray and referred him to an oral surgeon. But the surgeon could not see him until Nov. 21, and that would be only for a consultation. Driver said she learned that DaShawn would need six teeth extracted and made an appointment for the earliest date available: Jan. 16.

But she had to cancel after learning Jan. 8 that the children had lost their Medicaid coverage a month earlier. She suspects that the paperwork to confirm their eligibility was mailed to the shelter in Adelphi, where they no longer live.

It was on Jan. 11 that Deamonte came home from school complaining of a headache. At Southern Maryland Hospital Center, his mother said, he got medicine for a headache, sinusitis and a dental abscess. But the next day, he was much sicker.

Eventually, he was rushed to Children's Hospital, where he underwent emergency brain surgery. He began to have seizures and had a second operation. The problem tooth was extracted.

After more than 2 weeks of care at Children's Hospital, the Clinton seventh-grader began undergoing 6 weeks of additional medical treatment as well as physical and occupational therapy at another hospital. He seemed to be mending slowly, doing math problems and enjoying visits with his brothers and teachers from his school, the Foundation School in Largo.

On Saturday, their last day together, Deamonte refused to eat but otherwise appeared happy, his mother said. They played cards and watched a show on television, lying together in his hospital bed. But after she left him that evening, he called her.

"Make sure you pray before you go to sleep," he told her.

The next morning at about 6, she got another call, this time from the boy's grandmother. Deamonte was unresponsive. She rushed back to the hospital.

''When I got there, my baby was gone,'' recounted his mother.

She said doctors are still not sure what happened to her son. His death certificate listed two conditions associated with brain infections: ''meningoencephalitis'' and ''subdural empyema.''

In spite of such modern innovations as the fluoridation of drinking water, tooth decay is still the single most common childhood disease nationwide, five times as common as asthma, experts say. Poor children are more than twice as likely to have cavities as their more affluent peers, research shows, but far less likely to get treatment.

Serious and costly medical consequences are ''not uncommon,'' said Norman Tinanoff, chief of pediatric dentistry at the University of Maryland Dental School in Baltimore. For instance, Deamonte's bill for two weeks at Children's alone was expected to be between $200,000 and $250,000.

The federal government requires states to provide oral health services to children through Medicaid programs, but the shortage of dentists who will treat indigent patients remains a major barrier to care, according to the National Conference of State Legislatures.

Access is worst in rural areas, where some families travel hours for dental care, Tinanoff said. In the Maryland General Assembly this year, lawmakers are considering a bill that would set aside $2 million a year for the next three years to expand public clinics where dental care remains a rarity for the poor.

Providing such access, Tinanoff and others said, eventually pays for itself, sparing children the pain and expense of a medical crisis.

Reimbursement rates for dentists remain low nationally, although Maryland, Virginia and the District have increased their rates in recent years.

Dentists also cite administrative frustrations dealing with the Medicaid bureaucracy and the difficulties of serving poor, often transient patients, a study by the state legislatures conference found.

''Whatever we've got is broke,'' Fridley said. ''It has nothing to do with access to care for these children.''

S. 739

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 ''Children's Dental Health Improvement Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

Sec. 101. Grants to improve the provision of dental services under medicaid and SCHIP

Sec. 102. State option to provide wrap-around SCHIP coverage to children who have other health coverage

TITLE II—CORRECTING GME PAYMENTS FOR DENTAL RESIDENCY TRAINING PROGRAMS

Sec. 201. Limitation on the application of the 1-year lag in the indirect medical education ratio (IME) changes and the 3-year rolling average for counting interns and residents for IME and direct graduate medical education (D–GME) payments under the medicare program

TITLE III—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

Sec. 301. Grants to improve the provision of dental health services through community health centers and public health departments

Sec. 302. Dental officer multiyear retention bonus for the Indian Health Service

Sec. 303. Demonstration projects to increase access to pediatric dental services in underserved areas

Sec. 304. Technical correction

TITLE IV—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

Sec. 401. Oral health initiative

Sec. 402. CDC reports

Sec. 403. Early childhood caries

Sec. 404. School-based dental sealant program

Sec. 405. Basic oral health promotion

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

SEC. 101. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

''SEC. 511. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

''(a) AUTHORITY TO MAKE GRANTS.—In addition to any other payments made under this title to a State, the Secretary shall award grants to States that satisfy the requirements of subsection (b) to improve the provision of dental services to children who are enrolled in a State plan under title XIX or a State child health plan under title XXI (in this section, collectively referred to as the 'State plans').

''(b) REQUIREMENTS.—In order to be eligible for a grant under this section, a State shall provide the Secretary with the following assurances:

''(1) IMPROVED SERVICE DELIVERY.—The State shall have a plan to improve the delivery of dental services to children, including children with special health care needs, who are enrolled in the State plans, including providing outreach and administrative case management, improving collection and reporting of claims data, and providing incentives, in addition to raising reimbursement rates, to increase provider participation.

''(2) ADEQUATE PAYMENT RATES.—The State has provided for payment under the State plans for dental services for children at levels consistent with the market-based rates and sufficient enough to enlist providers to treat children in need of dental services.

''(3) ENSURED ACCESS.—The State shall ensure it will make dental services available to children enrolled in the State plans to the same extent as such services are available to the general population of the State.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds provided under this section may be used to provide administrative resources (such as program development, provider training, data collection and analysis, and research-related tasks) to assist States in providing and assessing services that include preventive and therapeutic dental care regimens.

''(2) LIMITATION.—Funds provided under this section may not be used for payment of direct dental, medical, or other services or to obtain Federal matching funds under any Federal program.

''(d) APPLICATION.—A State shall submit an application to the Secretary for a grant under this section in such form and manner and containing such information as the Secretary may require.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $50,000,000 for fiscal year 2008 and each fiscal year thereafter.

''(f) APPLICATION OF OTHER PROVISIONS OF TITLE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

''(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under subsection (a) to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

''(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

''(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

''(C) Section 504(d) (relating to a limitation on administrative expenditures).

''(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

''(E) Section 507 (relating to penalties for false statements).

''(F) Section 508 (relating to nondiscrimination).

''(G) Section 509 (relating to the administration of the grant program).''.

SEC. 102. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(ii) by adding at the end the following:

''(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

''(A) dental services;

''(B) cost-sharing protection; or

''(C) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''.

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

''(8) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2008;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

''(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).''.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or subsection (u)(3)'' and inserting ''(u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

''(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply to child health assistance and medical assistance provided on or after that date.

TITLE II—CORRECTING GME PAYMENTS FOR DENTAL RESIDENCY TRAINING PROGRAMS

SEC. 201. LIMITATION ON THE APPLICATION OF THE 1-YEAR LAG IN THE INDIRECT MEDICAL EDUCATION RATIO (IME) CHANGES AND THE 3-YEAR ROLLING AVERAGE FOR COUNTING INTERNS AND RESIDENTS FOR IME AND DIRECT GRADUATE MEDICAL EDUCATION (D–GME) PAYMENTS UNDER THE MEDICARE PROGRAM.

(a) IME RATIO AND ROLLING AVERAGE.—Section 1886(d)(5)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(vi)) is amended by adding at the end the following new sentence: ''For cost reporting periods beginning during fiscal years beginning on or after October 1, 2007, subclauses (I) and (II) shall be applied only with respect to a hospital's approved medical residency training program in the fields of allopathic medicine and osteopathic medicine.''.

(b) D-GME ROLLING AVERAGE.—Section 1886(h)(4)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(G)) is amended by adding at the end the following new clause:

''(iv) APPLICATION FOR FY 2008 AND SUBSEQUENT YEARS.—For cost reporting periods beginning during fiscal years beginning on or after October 1, 2007, clauses (i) through (iii) shall be applied only with respect to a hospital's approved medical residency training program in the fields of allopathic medicine and osteopathic medicine.''.

TITLE III—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

SEC. 301. GRANTS TO IMPROVE THE PROVISION OF DENTAL HEALTH SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by insert before section 330, the following:

''SEC. 329. GRANT PROGRAM TO EXPAND THE AVAILABILITY OF SERVICES.

''(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, shall establish a program under which the Secretary may award grants to eligible entities and eligible individuals to expand the availability of primary dental care services in dental health professional shortage areas or medically underserved areas.

''(b) ELIGIBILITY.—

''(1) ENTITIES.—To be eligible to receive a grant under this section an entity—

''(A) shall be—

''(i) a health center receiving funds under section 330 or designated as a Federally qualified health center;

''(ii) a county or local public health department, if located in a federally-designated dental health professional shortage area;

''(iii) an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(iv) a dental education program accredited by the Commission on Dental Accreditation; or

''(v) a community-based program whose child service population is made up of at least 33 percent of children who are eligible children, including at least 25 percent of such children being children with mental retardation or related developmental disabilities, unless specific documentation of a lack of need for access by this sub-population is established; and

''(B) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information concerning dental provider capacity to serve individuals with developmental disabilities.

''(2) INDIVIDUALS.—To be eligible to receive a grant under this section an individual shall—

''(A) be a dental health professional licensed or certified in accordance with the laws of State in which such individual provides dental services;

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(C) provide assurances that—

''(i) the individual will practice in a federally-designated dental health professional shortage area; or

''(ii) not less than 25 percent of the patients of such individual are—

''(I) receiving assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(II) receiving assistance under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.); or

''(III) uninsured.

''(c) USE OF FUNDS.—

''(1) ENTITIES.—An entity shall use amounts received under a grant under this section to provide for the increased availability of primary dental services in the areas described in subsection (a). Such amounts may be used to supplement the salaries offered for individuals accepting employment as dentists in such areas.

''(2) INDIVIDUALS.—A grant to an individual under subsection (a) shall be in the form of a $1,000 bonus payment for each month in which such individual is in compliance with the eligibility requirements of subsection (b)(2)(C).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Notwithstanding any other amounts appropriated under section 330 for health centers, there is authorized to be appropriated $40,000,000 for each of fiscal years 2008 through 2012 to hire and retain dental health care providers under this section.

''(2) USE OF FUNDS.—Of the amount appropriated for a fiscal year under paragraph (1), the Secretary shall use—

''(A) not less than 65 percent of such amount to make grants to eligible entities; and

''(B) not more than 35 percent of such amount to make grants to eligible individuals.''.

SEC. 302. DENTAL OFFICER MULTIYEAR RETENTION BONUS FOR THE INDIAN HEALTH SERVICE.

(a) TERMS AND DEFINITIONS.—In this section:

(1) CREDITABLE SERVICE.—The term ''creditable service'' includes all periods that a dental officer spent in graduate dental educational (GDE) training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

(2) DENTAL OFFICER.—The term ''dental officer'' means an officer of the Indian Health Service designated as a dental officer.

(3) DIRECTOR.—The term ''Director'' means the Director of the Indian Health Service.

(4) RESIDENCY.—The term ''residency'' means a graduate dental educational (GDE) training program of at least 12 months leading to a specialty, including general practice residency (GPR) or an advanced education general dentistry (AEGD).

(5) SPECIALTY.—The term ''specialty'' means a dental specialty for which there is an Indian Health Service specialty code number.

(b) REQUIREMENTS FOR BONUS.—

(1) IN GENERAL.—An eligible dental officer of the Indian Health Service who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service may, upon acceptance of the written agreement by the Director, be authorized to receive a dental officer multiyear retention bonus under this section. The Director may, based on requirements of the Indian Health Service, decline to offer such a retention bonus to any specialty that is otherwise eligible, or to restrict the length of such a retention bonus contract for a specialty to less than 4 years.

(2) LIMITATIONS.—Each annual dental officer multiyear retention bonus authorized under this section shall not exceed the following:

(A) $14,000 for a 4-year written agreement.

(B) $8,000 for a 3-year written agreement.

(C) $4,000 for a 2-year written agreement.

(c) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a dental officer multiyear retention bonus under this section, a dental officer shall—

(A) be at or below such grade as the Director shall determine;

(B) have completed any active duty service commitment of the Indian Health Service incurred for dental education and training or have 8 years of creditable service;

(C) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the officer enters into a dental officer multiyear retention bonus written service agreement under this section; and

(D) have a dental specialty in pediatric dentistry or oral and maxillofacial surgery.

(2) EXTENSION TO OTHER OFFICERS.—The Director may extend the retention bonus to dental officers other than officers with a dental specialty in pediatric dentistry, as well as to other dental hygienists with a minimum of a baccalaureate degree, based on demonstrated need.

(d) TERMINATION OF ENTITLEMENT TO SPECIAL PAY.—The Director may terminate, with cause, at any time a dental officer's multiyear retention bonus contract under this section. If such a contract is terminated, the unserved portion of the retention bonus contract shall be recouped on a pro rata basis. The Director shall establish regulations that specify the conditions and procedures under which termination may take place. The regulations and conditions for termination shall be included in the written service contract for a dental officer multiyear retention bonus under this section.

(e) REFUNDS.—

(1) IN GENERAL.—Prorated refunds shall be required for sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the contract, as conditions and circumstances warrant.

(2) DEBT TO UNITED STATES.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

(3) NO DISCHARGE IN BANKRUPTCY.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a retention bonus contract under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or under paragraph (1).

SEC. 303. DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDERSERVED AREAS.

(a) AUTHORITY TO CONDUCT PROJECTS.—The Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration and the Director of the Indian Health Service, shall establish demonstration projects that are designed to increase access to dental services for children in underserved areas, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 304. TECHNICAL CORRECTION.

Section 340G(b)(1)(B) of the Public Health Service Act (42 U.S.C. 256g(b)(1)(B)) is amended by striking ''and'' at the end and inserting ''or''.

TITLE IV—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

SEC. 401. ORAL HEALTH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an oral health initiative to reduce the profound disparities in oral health by improving the health status of vulnerable populations, particularly low-income children and children with developmental disabilities, to the level of health status that is enjoyed by the majority of Americans.

(b) ACTIVITIES.—The Secretary of Health and Human Services shall, through the oral health initiative—

(1) carry out activities to improve intra- and inter-agency collaborations, including activities to identify, engage, and encourage existing Federal and State programs to maximize their potential to address oral health;

(2) carry out activities to encourage public-private partnerships to engage private sector communities of interest (including health professionals, educators, State policymakers, foundations, business, and the public) in partnerships that promote oral health and dental care;

(3) carry out activities to reduce the disease burden in high risk populations through the application of best-science in oral health, including programs such as community water fluoridation and dental sealants; and

(4) carry out activities to improve the oral health literacy of the public through school-based education programs.

(c) COORDINATION.—The Secretary of Health and Human Services shall—

(1) through the Administrator of the Centers for Medicare & Medicaid Services, establish the Chief Dental Officer for the medicaid and State children's health insurance programs established under titles XIX and XXI, respectively, of the Social Security Act (42 U.S.C. 1396 et seq. 1397aa et seq.);

(2) through the Administrator of the Health Resources and Services Administration, establish the Chief Dental Office for all oral health programs within the Health Resources and Services Administration;

(3) through the Director of the Centers for Disease Control and Prevention, establish the Chief Dental Officer for all oral health programs within such Centers; and

(4) carry out this section in collaboration with the Administrators and Chief Dental Officers described in paragraphs (1), (2), and (3).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2008, and such sums as may be necessary for each subsequent fiscal year.

SEC. 402. CDC REPORTS.

(a) COLLECTION OF DATA.—The Director of the Centers for Disease Control and Prevention, in collaboration with other organizations and agencies, shall collect data through State-based oral health surveillance systems describing the dental, craniofacial, and oral health of residents of all 50 States and certain Indian tribes.

(b) REPORTS.—The Director of the Centers for Disease Control and Prevention shall compile and analyze data collection under subsection (a) and annually prepare and submit to the appropriate committees of Congress a report concerning the oral health of States and Indian tribes.

SEC. 403. EARLY CHILDHOOD CARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall—

(1) expand existing surveillance activities to include the identification of children at high risk of early childhood caries, including sub-populations such as children with developmental disabilities;

(2) assist State, local, and tribal health agencies and departments in collecting, analyzing and disseminating data on early childhood caries; and

(3) provide for the development of public health nursing programs and public health education programs on early childhood caries prevention.

(b) APPROPRIATENESS OF ACTIVITIES.—The Secretary of Health and Human Services shall carry out programs and activities under subsection (a) in a culturally appropriate manner with respect to populations at risk of early childhood caries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. 404. SCHOOL-BASED DENTAL SEALANT PROGRAM.

Section 317M(c) of the Public Health Service Act (42 U.S.C. 247b–14(c)) is amended—

(1) in paragraph (1), by inserting ''and school-linked'' after ''school-based'';

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and school-linked'' after ''school-based''; and

(B) by inserting ''or Indian tribe'' after ''State''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

''(A) prepare and submit to the State or Indian tribe an application at such time, in such manner and containing such information as the State or Indian tribe may require; and

''(B) be a—

''(i) public elementary or secondary school—

''(I) that is located in an urban area in which more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

''(II) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); or

''(ii) public or non-profit organization, including a grantee under section 330 and urban Indian clinics under title V of the Indian Health Care Improvement Act, that is under contract with an elementary or secondary school described in subparagraph (B) to provide dental services to school-age children.''.

SEC. 405. BASIC ORAL HEALTH PROMOTION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with dental organizations (including organizations having expertise in the prevention and treatment of oral disease in underserved pediatric populations), shall award grants to States and Indian tribes to improve the basic capacity of such States and tribes to improve the oral health of children and their families.

(b) REQUIREMENTS.—A State or Indian tribes shall use amounts received under a grant under this section to conduct one or more of the following activities:

(1) Establish an oral health plan, policies, effective prevention programs, and accountability measures and systems.

(2) Establish and guide coalitions, partnerships, and alliances to accomplish the establishment of the plan, policies, programs and systems under paragraph (1).

(3) Monitor changes in oral disease burden, disparities, and the utilization of preventive services by high-risk populations.

(4) Identify, test, establish, support, and evaluate prevention interventions to reduce oral health disparities.

(5) Promote public awareness and education in support of improvements of oral health.

(6) Support training programs for dental and other health professions needed to strengthen oral health prevention programs.

(7) Establish, enhance, or expand oral disease prevention and disparity reduction programs.

(8) Evaluate the progress and effectiveness of the State's oral disease prevention and disparity reduction program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2008 and each subsequent fiscal year.

By Mr. BINGAMAN (for himself and Mr. LUGAR):

S. 740. A bill to establish in the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Invest USA Act of 2007 with my colleague from Indiana, Senator LUGAR.

Our legislation creates a United States Direct Investment Administration, USDIA, within the Department of Commerce, to be led by an Under Secretary of Commerce for United States Direct Investment. This new agency will coordinate efforts to attract more foreign direct investment in the United States, thereby making our economy more competitive by encouraging multinational businesses to open new facilities or expand existing operations here, rather than elsewhere.

Specifically, our legislation tasks the new agency with five principal duties. First, USDIA will collect and analyze data concerning direct investment flows into both the United States and other countries.

Second, USDIA will publish an annual direct investment report for Congress. This report sets forth the data that USDIA collects and analyzes in the course of its work, identifying best practices in attracting direct investment at the Federal, State, and regional levels, as well as those used by other advanced industrialized countries.

Third, USDIA will publish an annual direct investment agenda to make strategic policy recommendations based on the direct investment report. It will also act as the lead agency within a broader interagency Direct Investment Promotion Committee, which will advocate and implement USDIA's strategic policy recommendations. For example, as part of this work, it will create and maintain an internet-accessible database of direct investment opportunities in the United States.

Fourth, the legislation requires USDIA to focus on direct investment in critical high-technology industries throughout the course of its work.

The United States continues to be the premier place in the world to locate a business. However, in an increasingly globalized world, where the factors of production can easily migrate from country to country, we can no longer passively rely on our inherent competitive advantages alone. We must actively publicize them.

Many countries, particularly those in Europe, have committed significant resources to recruiting foreign direct investment. For example, in many cases, our competitors maintain offices in the United States, where they regularly meet with American business leaders, encouraging them to consider locating facilities in their country.

Currently, the United States lacks any comparable program to entice multinational businesses to invest and create jobs here. Instead, we relegate direct investment promotion to economic development agencies at the State, regional, and local level. Although these local economic development agencies make valiant efforts to attract direct investment, our lack of a national strategy creates two problems.

First, too often, these local economic development agencies suffer from limited resources, which dwindle even further if the locality is suffering from an economic downturn due to a plant closing or for other reasons. Second, the dominance of State and local agencies creates the impression of an uncoordinated patchwork in the minds of foreign business executives. Consequently, State and local economic development agencies are too often unable to perform their recruitment missions effectively. The Invest USA Act addresses these flaws by creating and funding USDIA, which can act as a one-stop shop for multinational businesses seeking to establish new operations or expand existing ones.

Of course, we need to continue to focus on persuading U.S. businesses to stay in this country. But we also need to launch a concurrent, robust effort to encourage multinational businesses to establish or move facilities to our country. The end result is the same: more jobs for U.S. workers.

According to the Organization for International Investment, direct investment in the U.S. totaled $128.6 billion in 2005, an increase of 20 percent from the previous year, and according to the latest available Government data, as of December 31, 2004, U.S. subsidiaries of foreign multinationals employed approximately 5.1 million American workers, or 4.7 percent of the workforce. Moreover, according to the latest available Department of Commerce data, average per-worker compensation paid by U.S. subsidiaries of foreign multinationals in 2004 was $63,428, over 32 percent higher than compensation at U.S. companies as a whole.

Senator LUGAR and I believe that with a proactive, strategically focused effort at the Federal level, we can do even better at attracting the best jobs to our country. The Invest USA Act of 2007 will allow us to do just that.

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. 740

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 ''Invest USA Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the United States Direct Investment Administration established under section 4.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives.

(3) CRITICAL HIGH-TECHNOLOGY INDUSTRIES.—The term ''critical high-technology industries'' means industries involved in technology—

(A) the development of which will—

(i) provide a wide array of economic, environmental, energy, and defense-related returns for the United States; and

(ii) ensure United States economic, environmental, energy, and defense-related welfare; and

(B) in which the United States has an abiding interest in creating or maintaining secure domestic sources.

(4) DEPARTMENT.—The term ''Department'' means the Department of Commerce.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for United States Direct Investment described in section 4(a).

(6) UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.—The term ''United States Direct Investment Promotion Committee'' means the Interagency United States Direct Investment Promotion Committee established under section 7.

(7) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement establishing the World Trade Organization entered into on April 15, 1994.

SEC. 3. RELATION TO CFIUS.

The provisions of this Act shall not affect the implementation or application of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee).

SEC. 4. ESTABLISHMENT OF UNITED STATES DIRECT INVESTMENT ADMINISTRATION.

(a) IN GENERAL.—There is established in the Department of Commerce a United States Direct Investment Administration, which shall be headed by an Under Secretary of Commerce for United States Direct Investment. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate of pay provided for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) DEPUTY UNDER SECRETARY.—There shall be in the Administration a Deputy Under Secretary for United States Direct Investment, who shall be appointed by the

President, by and with the advice of the Senate, and shall be compensated at the rate of pay provided for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF.—The Under Secretary may appoint such additional personnel to serve in the Administration as the Under Secretary determines necessary.

(d) DUTIES.—The Under Secretary, in cooperation with the Economics and Statistics Administration and other offices at the Department, shall—

(1) collect and analyze data related to the flow of direct investment in the United States and throughout the world, as described in section 5;

(2) submit to the appropriate congressional committees an annual United States Direct Investment Report, as described in section 6;

(3) develop and publish an annual United States Direct Investment Agenda;

(4) assume responsibility as the lead agency for advocating and implementing strategic policies that will increase direct investment in the United States; and

(5) coordinate with the President regarding implementation of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee).

(e) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following: ''Under Secretary of Commerce for United States Direct Investment.''.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following: ''Deputy Under Secretary of Commerce for United States Direct Investment.''.

SEC. 5. ANNUAL DIRECT INVESTMENT REPORT.

(a) ANNUAL DIRECT INVESTMENT REPORT.—Not later than October 1, 2008, and annually thereafter, the Under Secretary shall submit a report on the data identified and the analysis described in subsection (b) for the preceding calendar year (which shall be known as the ''Annual Direct Investment Report''). The Report shall be submitted to the President and the appropriate congressional committees.

(b) DATA IDENTIFICATION.—

(1) IN GENERAL.—The data identified and analysis for the Report described in subsection (a) means the data identified and analyzed by the Under Secretary of Commerce, in cooperation with the Economic and Statistics Administration and other offices at the Department and with the assistance of other departments and agencies, including the Office of the United States Trade Representative, for the preceding calendar year regarding the following:

(A) Policies, programs, and practices at the State and regional level designed to attract direct investment.

(B) The amount of direct investment attracted in each such State and region.

(C) Policies, programs, and practices in foreign countries designed to attract direct investment, and the amount of direct investment attracted in each such foreign country.

(D) A comparison of the levels of direct investment attracted in the United States and in foreign countries, including a matrix of inputs affecting the level of direct investment.

(E) Specific sectors in the United States and in foreign countries in which direct investments are being made, including the specific amounts invested in each sector, with particular emphasis on critical high-technology industries.

(F) Trends in direct investment, with particular emphasis on critical high-technology industries.

(G) The best policy and practices at the Federal, State, and regional levels regarding direct investment policy, with specific reference to programs and policies that have the greatest potential to increase direct investment in the United States and enhance United States competitive advantage relative to foreign countries. Particular emphasis should be given to attracting direct investment in critical high-technology industries.

(H) Policies, programs, and practices in foreign countries designed to attract direct investment that are not in compliance with the WTO Agreement and the agreements annexed to that Agreement.

(2) CERTAIN FACTORS TAKEN INTO ACCOUNT IN MAKING ANALYSIS.—In making any analysis under paragraph (1), the Under Secretary shall take into account—

(A) the relative impact of policies, programs, and practices of foreign governments on United States commerce;

(B) the availability of information to document the effect of policies, programs, and practices;

(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party; and

(D) the impact trends in direct investment have had on—

(i) the competitiveness of United States industries in the international economy, with particular emphasis on critical high-technology industries;

(ii) the value of goods and services exported from and imported to the United States;

(iii) employment in the United States, in particular high-wage employment; and

(iv) the provision of health care, pensions, and other benefits provided by companies based in the United States.

(c) ASSISTANCE OF OTHER AGENCIES.—

(1) FURNISHING OF INFORMATION.—The head of each department or agency of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Under Secretary, upon request, such data, reports, and other information as is necessary for the Under Secretary to carry out the functions under this Act.

(2) RESTRICTIONS ON RELEASE OR USE OF INFORMATION.—Nothing in this subsection shall authorize the release of information to, or the use of information by, the Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

(3) PERSONNEL AND SERVICES.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Under Secretary may request to assist in carrying out the functions of the Under Secretary.

(d) ANNUAL REVISIONS AND UPDATES.—The Under Secretary shall annually revise and update the Report described in subsection (a).

SEC. 6. ANNUAL DIRECT INVESTMENT AGENDA.

(a) IN GENERAL.—Not later than October 1, 2008, and annually thereafter, the Under Secretary shall submit an agenda based on the data and analysis described in section 5 for the preceding calendar year, to the President and the appropriate congressional committees. The agenda shall be known as the ''Annual Direct Investment Agenda'' and shall include—

(1) an evaluation of the research and development program expenditures being made in the United States with particular emphasis to critical high-technology industries considered essential to United States economic security and necessary for long-term United States economic competitiveness in world markets; and

(2) proposals that identify the policies, programs, and practices in foreign countries and that the United States should pursue that—

(A) encourage direct investment in the United States that will enhance the country's competitive advantage relative to foreign countries, with particular emphasis on critical high-technology industries;

(B) enhance the viability of the manufacturing sector in the United States;

(C) increase opportunities for high-wage jobs and promote high levels of employment;

(D) encourage economic growth; and

(E) increase opportunities for the provision of health care, pensions, and other benefits provided by companies based in the United States.

(b) SUBMISSION.—To the extent practical, the Under Secretary shall submit the Annual Direct Investment Agenda concurrently with the Annual Direct Investment Report.

(c) CONSULTATION WITH CONGRESS ON ANNUAL DIRECT INVESTMENT AGENDA.—The Under Secretary shall keep the appropriate congressional committees currently informed with respect to the Annual Direct Investment Agenda and implementation of the Agenda. After the submission of the Agenda, the Under Secretary shall also consult periodically with, and take into account the views of, the appropriate congressional committees regarding implementation of the Agenda.

SEC. 7. UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish and the Under Secretary shall assume lead responsibility for an Interagency United States Direct Investment Promotion Committee. The functions of the Committee shall be to—

(1) coordinate all United States Government activities related to the promotion of direct investment in the United States;

(2) advocate and implement strategic policies, programs, and practices that will increase direct investment in the United States;

(3) train United States Government officials to pursue strategic policies, programs, and practices that will increase direct investment in the United States;

(4) consult with business, labor, State, regional, and local government officials on strategic policies, programs, and practices that will increase direct investment in the United States;

(5) develop and publish materials that can be used by Federal, State, regional, and local government officials to increase direct investment in the United States;

(6) create and maintain a database of direct investment opportunities in the United States;

(7) create and maintain an interactive website that can be used to access direct investment opportunities in different sectors and geographical areas of the United States, with particular emphasis on critical high-technology industries;

(8) coordinate direct investment marketing activities with State Economic Development Agencies; and

(9) host regular meetings and discussions with State, regional, and local economic development officials to consider best policy practices to increase direct investment in the United States.

(b) MEMBERS.—The Committee shall be composed of the following:

(1) The Secretary of Commerce.

(2) The United States Trade Representative.

(3) Members of the United States International Trade Commission.

(4) The Secretary of the Treasury.

(5) Members of the National Economic Council.

(6) The Secretary of Agriculture.

(7) Such other officials as the President determines to be necessary.

SEC. 8. DESIGNATION OF ADDITIONAL RENEWAL COMMUNITIES.

Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

''(h) ADDITIONAL DESIGNATIONS PERMITTED.—

''(1) IN GENERAL.—In addition to the areas designated under subsection (a), the Under Secretary of Commerce for United States Direct Investment, after consultation with the Secretary of the Treasury, may designate in the aggregate an additional 10 nominated areas as renewal communities under this section, subject to the availability of eligible nominated areas.

''(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before the date which is 5 years after such date of enactment. Subject to subparagraphs (B) and (C) of subsection (b)(1), a designation made under this subsection shall remain in effect during the period beginning with such designation and ending on the date which is 8 years after such designation.

''(3) APPLICATION OF RULES.—Except as otherwise provided in paragraph (1), the rules of this section shall apply to designations under this subsection.''.

By Ms. COLLINS:

S. 741. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, all along our Nation's coasts there are harbors that were once full of the hustle and bustle associated with the fishing industry. Unfortunately, there has been an erosion of the vital infrastructure, known as our working waterfronts, that is so critical to our commercial fishing industries. To better preserve these waterfront areas, I have drafted legislation that will help to protect commercial access to our waterfronts and to support the fishing industry's role in our maritime heritage.

When constituents have called asking me to help them in their efforts to stop the loss of their fishing businesses and the communities built around this industry, I realized more needed to be done to preserve and increase waterfront access for the commercial fishing industry. Currently, there is no Federal program to promote and protect the working waterfronts other than identifying some grant programs that might apply. There is an immediate need to protect our working waterfronts since we are losing more of them every week, and quite simply, once lost, these vital economic and community hubs of commercial fishing activity cannot be replaced.

I rise today to re-introduce a bill I originally proposed in the 109th Congress—the Working Waterfront Preservation Act. This legislation would create a program to support our Nation's commercial fishing families and the coastal communities that are at risk of losing their fishing businesses.

I can illustrate the need for such a program by describing the loss of commercial waterfront access occurring in Maine. Only 25 of Maine's 3,500 miles of coastline are devoted to commercial access. We are continually seeing portions of Maine's working waterfront being sold off to the highest bidder—with large vacation homes and condominiums rising in places that our fishing industry used to call home.

The reasons for the loss of Maine's working waterfront are complex. In some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising taxes have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second homes that are no longer the center of economic activity.

Maine's lack of commercial waterfront prompted the formation of a ''Working Waterfront Coalition.'' This coalition is comprised of an impressive number of industry associations, nonprofit groups, and state agencies, who came together to preserve Maine's working waterfront. The coalition identified eighteen projects that would increase Maine's available working waterfront. These eighteen sites would create or preserve more than 875 jobs.

I'm pleased to note that the Working Waterfront Coalition has been successful in contributing to the creation of two programs in Maine. The first is a State tax incentive for property owners to keep their land in its current working waterfront condition. The second is a pilot program for grant funding to secure and preserve working waterfront areas. I am proud that the State of Maine has taken positive action to save its waterfront infrastructure and is a model for other States in the country facing this problem.

However, we must press on with this priority. The loss of commercial waterfront access affects the fishing industry throughout all coastal States. Pick up a newspaper in one of our coastal States, and you will read about this struggle. Fishermen in Galilee, RI are being pushed away from the waterfronts as their profitability shrinks and land values soar. The Los Angeles Times ran a story on the disappearance of working waterfronts in Florida. That State has also since enacted a law to protect their working waterfronts. Washington State struggles to balance working waterfronts with increased development pressure. Another region of the country that this bill would benefit is the Gulf Coast. This legislation would assist the victims of Hurricane Katrina in rebuilding their shore-side infrastructure destroyed in the storm.

And modest federal investment could do so much to save these areas. Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. This bill targets this problem, as no Federal program exists to assist States like Maine, Florida, Washington, and Louisiana.

The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, non-profit organizations, and fishermen's cooperatives for the purchase of property or easements or for the maintenance of working waterfront facilities. The bill contains a $50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and state fisheries agencies, which have the local expertise to understand the needs of each coastal State. Grant recipients would agree not to convert coastal properties to noncommercial uses, as a condition of receiving federal assistance.

This legislation also has a tax component included. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this sale. Taxing only half of the gain on conservation sales is a proposal that has been advanced by the President in all of his budget proposals. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would then, most likely, be converted to noncommercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation's commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast. I am committed to creating a Federal mechanism to preserve working waterfronts and will pursue this legislation during the 110th Congress.

By Mr. MCCAIN:

S. 744. A bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to introduce today the Spectrum Availability for Emergency-Response and Law-Enforcement to Improve Vital Emergency Services Act, otherwise known as the SAVE LIVES Act. The bill would provide public safety with the ability to use an additional

30 MHz of radio spectrum for a new nationwide public safety state-of-the-art broadband network. This would allow police, fire, sheriffs, and other medical and emergency professionals the ability to communicate using a modern and reliable broadband network, thereby allowing for interoperable communications between local, State and Federal first responders during emergencies.

The 9/11 Commission's Final Report states that: ''Command and control decisions were affected by the lack of knowledge of what was happening 30, 60, 90, and 100 floors above'' due to the inability of police and firefighters to communicate using their hand held radios. The Final Report recommended the ''expedited and increased assignment of radio spectrum to public safety entities'' to resolve the problem. This bill would finally implement fully the recommendation.

Let me be clear: the Federal Government has made many strides in developing a comprehensive, interoperable emergency communications plan, setting equipment standards, funding the purchase of interoperable communications equipment, and belatedly making additional radio spectrum available. But none of this is enough. We will not solve our Nation's interoperability crisis until all emergency personnel involved in responding to an incident are able to communicate seamlessly, and that is what this legislation is intended to accomplish.

I have been working on this issue for many years. Ten years ago, while serving as Chairman of the Senate Commerce Committee, I introduced the Law Enforcement and Public Safety Telecommunications Empowerment Act, which would have provided public safety with 24 MHz in the 700 MHz band and authorized 10 percent of proceeds from an auction of spectrum to commercial companies to be used to fund State and local law enforcement communications. Although my bill did not pass, Congress did require this spectrum to be allocated to public safety in the Balanced Budget Act of 1997.

Unfortunately, this spectrum was encumbered by television broadcasters who refused to move despite broadcasters being given other spectrum in the Telecommunications Act of 1996. The television broadcasters persuaded some members of Congress to slip into the Balanced Budget Act of 1997 a provision that allowed for broadcasters to retain their new spectrum and use the spectrum dedicated to public safety for an indefinite time.

Rightly, public safety fought the broadcasters' ''spectrum squatting'' and asked Congress to set a firm date for broadcasters to provide public safety spectrum. I was happy to support them in the fight.

During the 108th Congress, I introduced a bill that would have provided public safety with this spectrum by January 1, 2008. The bill was not considered by the Senate. I also introduced an amendment to the Intelligence Reform and Terrorism Prevention Act of 2004 to set a firm date for the delivery of this spectrum, but it was strongly opposed thanks to the broadcasters.

In October 2005, the Commerce Committee debated a firm date as part of the Budget Reconciliation Act of 2006. I offered an amendment to make the spectrum available by January 2007, but it was shot down by a vote of 17–5. I then took an amendment to the floor which was defeated by a vote of 30–69. Congress did finally set the date of February 17, 2009—date that is too late in my opinion.

I have not only been concerned about public safety not receiving spectrum in a timely manner, but also not receiving enough spectrum. In 2004, I offered an amendment that was included in the Intelligence Reform and Terrorism Prevention Act, which required the Federal Communications Commission (FCC) and the Department of Homeland Security (DHS) to study the short-term and long-term spectrum needs of public safety. In December 2005, the FCC delivered their report. While the report did not contain a specific amount of spectrum necessary to aid public safety interoperability, it did state, '' . . . . emergency response providers would benefit from the development of an integrated, interoperable nationwide network capable of delivering broadband services throughout the country.'' DHS has never provided its report to Congress.

The FCC's recommendation became all too apparent during the horrors of Hurricane Katrina. First responders in Louisiana were unable to communicate with each other during their response and recovery efforts because New Orleans and the three nearby parishes all used different radio equipment and frequencies. To make matters worse, Federal officials responding to the area used an entirely different communications system than the local first responders, which hindered relief efforts. New Orleans officials had purchased equipment that would allow some patching between local and Federal radio systems, but that equipment was rendered useless by flooding. Nonetheless, short term solutions to link incompatible systems are not the right approach to this critical problem. A better approach is for this Nation and its representatives to get serious about public safety communications by developing an interoperable communications network for all local, state, regional and Federal first responders that can carry voice and data communications.

I believe the SAVE LIVES bill provides that comprehensive and serious approach. The bill would establish a national policy for public safety spectrum, directing that the 24 MHz allocated by Congress to public safety in 1997 be used for state, local and regional interoperability and that the 30 MHz in the 700 MHz band be available as needed for a national, interoperable public safety broadband network by local, State, regional and Federal first responders. These two networks would be interoperable, thereby allowing local, State, regional and Federal first responders to communicate. Congress has deemed spectrum in the 700 MHz band ''ideal'' for public safety communications because it can travel great distances and penetrate thick walls.

The day before our Nation experienced the worst act of terrorism on our soil, the Public Safety Wireless Advisory Committee completed an 850-page study of public safety spectrum requirements and recommended that 97.5 MHz of additional spectrum be made available for public safety. In 1997, Congress set aside 24 MHz of spectrum in the 700 MHz band for public safety use, but due to television broadcasters refusal to relocate from that spectrum, public safety will not have full use of the spectrum until February 2009. However, public safety states that the 24 MHz is not enough. Just last month, Fire Chief Charles Werner of Virginia testified before the Senate Commerce Committee that an additional 70 MHz may be needed by 2011.

The bill also would establish a ''Public Safety Interoperable Working Group'' (the Working Group) to establish user driven specifications for public safety's use of the 30 MHz and then require the FCC to auction the 30 MHz under a ''conditional license'' that requires any winning bidder to meet public safety's specifications to operate a national, interoperable public safety broadband network. If there is no winning bidder, then the license to the 30 MHz will revert to public safety, which could then use the spectrum for a national, interoperable public safety broadband network and work with the FCC to auction excess non-emergency capacity.

To ensure public safety is using the spectrum effectively and efficiently, the bill would require the FCC to review public safety's use of the 24 MHz to determine whether it could handle a national interoperable broadband network in addition to local, state and regional networks as technology improves. The bill would also require the FCC, DHS and public safety to review the possibility of moving most public safety communications to the 700 MHz and 800 MHz bands thereby enhancing interoperability.

As required by Congress, the FCC is slated to auction spectrum in the 700 MHz band by January 28, 2008. Except for the 24 MHz allocated to public safety, the remaining spectrum will be auctioned to commercial providers unless Congress dictates otherwise. Therefore any use of the 30 MHz by public safety must be considered quickly by Congress as the FCC would need to begin developing the rules for a conditional license by early fall to ensure that the auction date is not delayed.

Late last year, the FCC stated, ''The availability of a nationwide, interoperable, broadband communication network for public safety substantially

could enhance the ability of public safety entities to respond to emergency situations . . . yet only 2.6 MHz is designated for nationwide interoperable communications in the 700 MHz public safety band.'' This is unacceptable and that is why I believe the SAVE LIVES Act would solve the interoperability crisis that faces our country.

We cannot survive another disaster such as 9/11 or Katrina without reforming our Nation's interoperable communications. I fought for many years to clear the 700 MHz spectrum for first responders and now that there is a firm date for the availability of this spectrum, we should ensure that a sufficient amount of spectrum is being provided to first responders. Again, this spectrum is slated to be auctioned in January 2008 to commercial entities, so if Congress does not act now to ensure that public safety can have some reasonable access to this valuable spectrum, it will be auctioned off without any consideration to our Nation's interoperability crisis and this opportunity will be lost forever.

I know some critics would rather all of this spectrum be auctioned solely for commercial applications, such as wireless Internet surfing, instant messaging and phone services. I can assure you, I do not lay awake at night wondering why my children can't surf the Internet on their cell phone from any location at any time, but I do worry about whether we will be adequately prepared to respond to the next disaster.

I can only imagine how many lives could have been saved during 9/11 had this spectrum been available and I can only imagine how many victims of Hurricane Katrina could have been rescued sooner if only police, fire fighters and other emergency personnel had been able to communicate with each other. But instead of imagining, we have an obligation to act. We can have a national, interoperable communications system available to first responders by 2009 if we act now to make this spectrum available to public safety.

I urge my colleagues to join me in supporting the SAVE LIVES Act.

By Ms. LANDRIEU:

S. 745. A bill to provide for increased export assistance staff in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005 and Hurricane Rita of 2005; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today to speak, there are countless small businesses in the Gulf Coast, right this moment, that are open for business. The fact that they are open at all is a testament to the hard work and resolve of their owners, along with the focus and commitment of community leaders, state and local officials, as well as Congress and the White House. This is because, as you know, the Gulf Coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita.

I strongly believe that we cannot rebuild the Gulf Coast without our small businesses. Small businesses not only create jobs and pay taxes—they provide the innovation and energy that drives our economy. In fact, before Katrina and Rita hit, there were more than 95,000 small businesses in Louisiana, employing about 850,000 people—more than half of my State's workforce. About 39,000 of these businesses have yet to resume normal operations so I intend to do everything I can in the coming months to get them back up and running.

That is why today I am introducing legislation to help provide the necessary staff to help our small businesses in the Gulf recover from the devastating storms of 2005. In particular, this legislation is focused on promoting exports by small businesses Louisiana, Mississippi, and Alabama. Small businesses are important players in international trade, which is reflected in the fact that small businesses represent that 96 percent of all exporters of goods and services In Louisiana, we have about 2,000 declared exporters. However, there are many more businesses in my state who conduct Internet sales overseas, as well as those who focus operations on domestic sales but have some international buyers as well. These businesses are exporters but in many cases they do not even realize it!

Given the importance of these exporters to my State and to the rest of the country, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. As our businesses continue to recover, one of the main issues being faced by our small businesses is accessing capital. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs.

To assist businesses with obtaining export financing, fifteen SBA Finance Specialists operate out of 100 U.S. Export Assistance Centers administered by the Department of Commerce around the country. However, despite the increased need for export financing in the Gulf Coast, there is currently no International Finance Specialist located in any of the hardest hit States of Mississippi, Alabama and Louisiana. Instead there is one specialist in Texas with responsibility for Texas, Oklahoma, Arkansas and Louisiana and one specialist in Georgia responsible for Georgia, Alabama, Kentucky, Tennessee, and Mississippi. Due to the extensive territories they cover and limited travel budgets of the staff, these specialists must divide their time and cannot focus on the needs of Gulf Coast small businesses.

With this in mind, this legislation would provide an SBA International Finance Specialist to the New Orleans U.S. Export Assistance Center with responsibility for Louisiana, Alabama, and Mississippi. I believe this is a commonsense approach, since this position in New Orleans has remained vacant since 2003 due to retirement and budget issues. So this is not a new position or a new hire, it is simply filling a position that has sat open for far too long.

The Gulf Coast Export Recovery Act of 2007 would also address Commerce staffing issues for our New Orleans U.S. Export Assistance Center. In this office, there is currently four full-time export assistance staff, along with one Foreign Service Officer. This office has had two staffers leave the office since Katrina and I am concerned that when this Foreign Service Officer leaves this fall, that there will be no replacement. This understaffed office is struggling to keep up with the increasing demands from businesses for technical assistance on finding overseas markets for local products, particularly businesses near Baton Rouge and the River parishes. Staff in New Orleans cover south Louisiana as well as the coastal counties in Mississippi. With such a wide area to cover, and so few staff, they are doing a great job in providing services but obviously need additional help to fully service our local businesses. The Small Business International Trade Enhancements Act of 2007 would provide one additional full-time staffer to this office to assist our businesses in the parishes of East Baton Rouge, West Baton Rouge, Iberville, Pointe Coupee, St. Martin, St. Landry and Iberia. Many of our businesses from the New Orleans area are relocating to these parishes so we need adequate staff to keep up with increasing export needs in the area.

In closing, I should note that both of these provisions were included in the Commerce, Justice, Science Appropriations bill that was reported out of committee last Fall. Unfortunately, since that bill was not enacted, these provisions did not become law and our small business exporters have waited an additional 7 months for increased export assistance resources. I do not want them to have to wait another 7 months for this vital assistance. We are only asking for two full-time staffers for an office, but these two staffers would make a world of difference for the businesses, as well as for the understaffed office down there. I believe both the Department of Commerce and the Small Business Administration are supportive of these staffing increases so I look forward to working with them in the coming months to address these staffing needs in New Orleans. I urge my colleagues to support this legislation since it will help our exporters in the Gulf Coast fully recover and will help the country as a whole by increasing exports from the Gulf Coast states.

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. 745

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 ''Gulf Coast Export Recovery Act of 2007''.

SEC. 2. ADDITIONAL STAFF FOR NEW ORLEANS UNITED STATES EXPORT ASSISTANCE CENTER.

(a) IN GENERAL.—The Secretary of Commerce shall hire 1 additional full-time international trade specialist, to be located in the New Orleans, Louisiana, United States Export Assistance Center.

(b) RESPONSIBILITIES.—The international trade specialist hired under subsection (a) shall provide service to the parishes of East Baton Rouge, West Baton Rouge, Pointe Coupee, Iberville, St. Martin, St. Landry, and Iberia, Louisiana, and any other parish selected by the Secretary of Commerce.

SEC. 3. GULF COAST EXPORT ASSISTANCE.

(a) INCREASE IN SMALL BUSINESS INTERNATIONAL TRADE STAFF.—The Administrator shall hire an additional full-time international finance specialist to the Office of International Trade of the Administration.

(b) LOCATION AND SERVICE AREA.—The international finance specialist hired under subsection (a) shall—

(1) be located in the New Orleans, Louisiana United States Export Assistance Center;

(2) help to carry out the export promotion efforts described in section 22 of the Small Business Act (15 U.S.C. 649); and

(3) provide such services in the States of Louisiana, Mississippi, and Alabama.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administration such sums as are necessary to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts made available under this subsection shall remain available until expended.

SEC. 4. DEFINITIONS.

For purposes of this Act, the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DODD, Ms. LANDRIEU, and Mr. CRAPO):

S.J. Res. 4. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

S.J. RES. 4

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of peoples of European descent;

Whereas the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

Whereas the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their peoples have maintained a powerful spiritual connection to this land, as is evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples;

Whereas, while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, ''The utmost good faith shall always be observed toward the Indians'';

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts;

Whereas the United States Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas this Nation should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Indian Removal Act of 1830;

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the General Allotment Act of 1887 and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the United States Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the United States Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas, despite the wrongs committed against Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian tribes;

Whereas Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to the Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The United States, acting through Congress—

(1) recognizes the special legal and political relationship the Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors the Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the United States Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

SEC. 2. DISCLAIMER.

Nothing in this Joint Resolution—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 92—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF SOLDIERS OF ISRAEL HELD CAPTIVE BY HAMAS AND HEZBOLLAH

Mrs. CLINTON (for herself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LAUTENBERG, Mr.

COLEMAN, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BROWN, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 92

Whereas Israel withdrew from southern Lebanon on May 24, 2000;

Whereas Congress expressed concern for soldiers of Israel missing in Lebanon and Syrian-controlled territory of Lebanon in the Act entitled ''To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action'', approved November 8, 1999 (Public Law 106–89), which required the Secretary of State to raise the status of missing soldiers of Israel with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas, on June 18, 2000, the United Nations Security Council welcomed and endorsed the report by United Nations Secretary-General Kofi Annan that Israel had withdrawn completely from Lebanon under the terms of United Nations Security Council Resolution 425 (1978);

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas and allied terrorists crossed into Israel to attack a military post, killing 2 soldiers and wounding a third, Gilad Shalit, who was kidnapped;

Whereas, on July 12, 2006, terrorists of Hezbollah crossed into Israel to attack troops of Israeli patrolling the Israeli side of the border with Lebanon, killing 3 soldiers, wounding 2 more, and kidnapping Ehud Goldwasser and Eldad Regev;

Whereas Gilad Shalit has been held in captivity by Hamas for more than 7 months;

Whereas Ehud Goldwasser and Eldad Regev have been held in captivity by Hezbollah for more than 6 months;

Whereas Hamas and Hezbollah have withheld all information on the health and welfare of the men they have kidnapped; and

Whereas, contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have prevented access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit;

(B) Hezbollah accept the mandate of United Nations Security Council Resolution 1701 (2006) by immediately and unconditionally releasing Israeli soldiers Ehud Goldwasser and Eldad Regev; and

(C) Hezbollah and Hamas accede to the most basic standards of humanitarian conduct and allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(2) expresses—

(A) vigorous support and unwavering commitment to the welfare and survival of the State of Israel as a Jewish and democratic state with secure borders;

(B) strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel;

(C) ongoing concern and sympathy for the families of Gilad Shalit, Ehud Goldwasser, Eldad Regev, and all other missing soldiers of Israel; and

(D) full commitment to seek the immediate and unconditional release of the Israeli captives; and

(3) condemns—

(A) Hamas and Hezbollah for the cross border attacks and kidnappings that precipitated weeks of intensive armed conflict between Israel and Hezbollah and armed Palestinian groups; and

(B) Iran and Syria for their ongoing support of Hezbollah and Hamas.

SENATE CONCURRENT RESOLUTION 15—AUTHORIZING THE ROTUNDA OF THE CAPITOL TO BE USED ON MARCH 29, 2007, FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

Mr. LEVIN (for himself and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on March 29, 2007, for a ceremony to award a Congressional Gold Medal collectively to the Tuskegee Airmen in accordance with Public Law 109–213. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SENATE CONCURRENT RESOLUTION 16—CALLING ON THE GOVERNMENT OF UGANDA AND THE LORD'S RESISTANCE ARMY (LRA) TO RECOMMIT TO A POLITICAL SOLUTION TO THE CONFLICT IN NORTHERN UGANDA AND TO RECOMMENCE VITAL PEACE TALKS, AND URGING IMMEDIATE AND SUBSTANTIAL SUPPORT FOR THE ONGOING PEACE PROCESS FROM THE UNITED STATES AND THE INTERNATIONAL COMMUNITY

Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. COLEMAN, Mr. KERRY, Mr. MARTINEZ, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mr. LAUTENBERG, Ms. COLLINS, and Mr. MCCAIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 16

Whereas, for nearly two decades, the Government of Uganda has been engaged in an armed conflict with the Lord's Resistance Army (LRA) that has resulted in up to 200,000 deaths from violence and disease and the displacement of more than 1,600,000 civilians from eastern and northern Uganda.

Whereas former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland has called the crisis in northern Uganda ''the biggest forgotten, neglected humanitarian emergency in the world today'';

Whereas Joseph Kony, the leader of the LRA, and several of his associates have been indicted by the International Criminal Court for war crimes and crimes against humanity, including rape, murder, enslavement, sexual enslavement, and the forced recruitment of an estimated 66,000 children;

Whereas the LRA is a severe and repeat violator of human rights and has continued to attack civilians and humanitarian aid workers despite a succession of ceasefire agreements;

Whereas the Secretary of State has labeled the LRA ''vicious and cult-like'' and designates it as a terrorist organization;

Whereas the 2005 Department of State report on the human rights record of the Government of Uganda found that ''security forces committed unlawful killings... and were responsible for deaths as a result of torture'' along with other ''serious problems,'' including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the 2004 Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), Congress declared its support for a peaceful resolution of the conflict in northern and eastern Uganda and called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts;

Whereas the Cessation of Hostilities Agreement, which was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006, and extended on November 1, 2006, requires both parties to cease all hostile military and media offensives and asks the Sudan People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks;

Whereas the Cessation of Hostilities Agreement is set to expire on February 28, 2007, and although both parties to the agreement have indicated that they are willing to continue with the peace talks, no date has been set for resumption of the talks, and recent reports have suggested that both rebel and Government forces are preparing to return to war;

Whereas a return to civil war would yield disastrous results for the people of northern Uganda and for regional stability, while peace in Uganda will bolster the fragile Comprehensive Peace Agreement in Sudan and de-escalate tensions in the Democratic Republic of the Congo;

Whereas continuing violence and instability obstruct the delivery of humanitarian assistance to the people of northern Uganda and impede national and regional trade, development and democratization efforts, and counter-terrorism initiatives; and

Whereas the Senate unanimously passed Senate Resolution 366, 109th Congress, agreed to February 6, 2006, and Senate Resolution 573, 109th Congress, agreed to September 19, 2006, calling on Uganda, Sudan, the United States, and the international community to bring justice and provide humanitarian assistance to northern Uganda and to support the successful transition from conflict to sustainable peace, while the House of Representatives has not yet considered comparable legislation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) disapproves of the LRA leadership's inconsistent commitment to resolving the conflict in Uganda peacefully;

(2) urges the Lord's Resistance Army (LRA) and the Government of Uganda to return to negotiations in order to extend and expand upon the existing ceasefire and to recommit to pursuing a political solution to this conflict;

(3) entreats all parties in the region to immediately cease human rights violations and address, within the context of a broader national reconciliation process in Uganda, issues of accountability and impunity for

those crimes against humanity already committed;

(4) presses leaders on both sides of the conflict in Uganda to renounce any intentions and halt any preparations to resume violence and to ensure that this message is clearly conveyed to armed elements under their control; and

(5) calls on the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other similar governmental agencies and nongovernmental organizations within the international community to continue and augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this crisis by publicly and forcefully reiterating the preceding demands.

AMENDMENTS SUBMITTED AND PROPOSED

SA 288. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms.COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 289. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 290. Mr. SALAZAR (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 291. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 292. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 293. Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 294. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 295. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 296. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 297. Mr. KERRY (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 298. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BIDEN) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 299. Mr. STEVENS (for himself, Mrs. CLINTON, Mr. INOUYE, Mrs. HUTCHISON, Mr. SMITH, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 300. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 301. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 302. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 303. Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table .

SA 304. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 281 submitted by Mr. BINGAMAN (for himself and Mr. DOMENICI) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 305. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 306. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 307. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 308. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 309. Mr. GRASSLEY (for himself, Mr. GRAHAM, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 310. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 311. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 312. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 313. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 314. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 315. Mr. LIEBERMAN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 316. Mrs. MCCASKILL proposed an amendment to amendment SA 315 proposed by Mr. LIEBERMAN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 317. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 318. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 319. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 320. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 288. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INTERVIEWS OF VISA APPLICANTS.

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(i) INTERVIEWS FOR VISA APPLICANTS.—

''(1) AUTHORITY TO UTILIZE VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' shall include an interview conducted via videoconference or similar technology after the date that the Secretary of State certifies to the Secretary of Homeland Security that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview via videoconference or similar technology are those of the visa applicant.

''(2) PILOT PROGRAM TO PERMIT MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews via the use of mobile teams of consular officials after the date that the Secretary of State certifies to the Secretary of Homeland Security that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process.''.

SA 289. Mrs. FEINSTEIN submitted an amendment intended to be proposed

to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, insert the following:

SEC. 1104. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall include a statement of the reasons for such determination and a description that provides the main features of the covert actions covered by such determination.".

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. 1105. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SA 290. Mr. SALAZAR (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland defense strategy.

(2) REVIEW.—Every 4 years after the establishment of the national homeland defense strategy, the Secretary shall conduct a comprehensive examination of the national homeland defense strategy.

(3) SCOPE.—In establishing or reviewing the national homeland defense strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland defense strategy under this subsection shall be known as the "quadrennial homeland defense review".

(5) CONSULTATION.—Each quadrennial homeland defense review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with the national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. Each such report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the

Committee on Homeland Security of the House of Representatives a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland defense review.

SA 291. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 121, between lines 2 and 3, insert the following:

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

SA 292. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 361, between lines 13 and 14, insert the following:

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

SA 293. Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

SEC. __01. SHORT TITLE.

This title may be cited as the ''The American National Red Cross Governance Modernization Act of 2007''.

SEC. __02. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the ''Board of Governors'') commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled ''American Red Cross Governance for the 21st Century'' (the ''Governance Report''), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this title:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this title;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. __03. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ''a Federally chartered instrumentality of the United States and'' before ''a body corporate and politic''; and

(2) in subsection (b), by inserting at the end the following new sentence: ''The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.''.

SEC. __04. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(5) to conduct other activities consistent with the foregoing purposes.''.

SEC. __05. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting '', or as otherwise provided,'' before ''in the bylaws'';

(2) in subsection (b)(1)—

(A) by striking ''board of governors'' and inserting ''corporation''; and

(B) by inserting ''policies and'' before ''regulations related''; and

(3) in subsection (b)(2)—

(A) by inserting ''policies and'' before ''regulations shall require''; and

(B) by striking ''national convention'' and inserting ''annual meeting''.

SEC. __06. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

''§ 300104. Board of governors

''(a) BOARD OF GOVERNORS.—

''(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

''(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

''(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

''(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

''(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

''(A) CHAIRMAN.—

''(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

''(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

''(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(B) OTHER MEMBERS.—

''(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

''(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

''(b) TERMS OF OFFICE.—

''(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

''(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

''(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

''(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

''(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

''(c) COMMITTEES AND OFFICERS.—The board—

''(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

''(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

''(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

''(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

''(d) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

''(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

''(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

''(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

''(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

''(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

''(f) VOTING BY PROXY.—

''(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

''(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

''(g) BYLAWS.—

''(1) IN GENERAL.—The board of governors may—

''(A) at any time adopt bylaws; and

''(B) at any time adopt bylaws to be effective only in an emergency.

''(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

''(h) DEFINITIONS.—For purposes of this section—

''(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

''(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.''.

SEC. __07. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking ''bylaws'' and inserting ''policies''.

SEC. __08. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

''§ 300107. Annual meeting

''(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

''(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

''(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

''(d) VOTING.—

''(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

''(2) ESTABLISHMENT OF NUMBER OF VOTES.—

''(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

''(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.''.

SEC. __09. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking ''nine'' from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: ''The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.''.

SEC. __10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

''(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.''.

SEC. __11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

''§ 300111. Authority of the Comptroller General of the United States

''The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

''§ 300112. Office of the Ombudsman

''(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(b) REPORT.—The Office of the Ombudsman shall submit a report annually to Congress concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

''300111. Authority of the Comptroller General of the United States.
''300112. Office of the Ombudsman.
''300113. Reservation of right to amend or repeal.''.

SA 294. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

After title XV, add the following:

TITLE XVI—TERMINATION OF FORCE AND EFFECT OF THE ACT

SEC. 1601. TERMINATION OF FORCE AND EFFECT OF THE ACT.

The provisions of this Act (including the amendments made by this Act) shall cease to have any force or effect on and after December 31, 2012.

SA 295. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. _____. FEDERAL SHARE FOR ASSISTANCE RELATING TO HURRICANE KATRINA OF 2005 OR HURRICANE RITA OF 2005.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 shall be 100 percent.

(b) EFFECTIVE DATE.—This section shall apply to any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) on or after August 28, 2005.

SA 296. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. _____. CANCELLATION OF LOANS.

(a) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking ''*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:''.

(b) DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading ''DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under the heading ''DEPARTMENT OF HOMELAND SECURITY'', by striking ''*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061).

SA 297. Mr. KERRY (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SA 298. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BIDEN) proposed to amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes:

On page 377 insert after line 22, and renumber accordingly:

TITLE XV—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. _____. DEADLINE FOR SCANNING ALL CARGO CONTAINERS.

(a) IN GENERAL.—The SAFE Port Act (Public Law 109–347) is amended by inserting after section 232 the following:

''SEC. 232A. SCANNING ALL CARGO CONTAINERS.

''(a) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

''(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

''(A) the container is scanned with equipment that meets the standards established pursuant to sec. 121(f) and a copy of the scan is provided to the Secretary; and

''(B) the container is secured with a seal that meets the standards established pursuant to sec. 204, before the container is loaded on a vessel for shipment to the United States.

''(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

''(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

''(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

''(C) REVIEW AND REVISION.—The Secretary shall—

''(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 2 years; and

''(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available—

''(I) to identify the place of a breach into a container;

''(II) to notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

''(III) to track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

''(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning provided such term in section 107 of title 46, United States Code.

''(b) REGULATIONS; APPLICATION.—

''(1) REGULATIONS.—

''(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the

pilot system implemented under section 231, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231, without regard to the provisions of chapter 5 of title 5, United States Code.

''(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement subsection (a) not later than 1 year after the date of the submission of the report under section 231, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

''(2) PHASED-IN APPLICATION.—

''(A) IN GENERAL.—The requirements of subsection (a) apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

''(i) the end of the 3-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

''(ii) the end of the 5-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in any other country.

''(B) EXTENSION.—The Secretary may extend by up to 1 year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

''(i) finds that the scanning equipment required under subsection (a) is not available for purchase and installation in the port; and

''(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

''(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

''(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.''.

(b) CONFORMING AMENDMENT.—The table of contents for the SAFE Port Act (Public Law 109–347) is amended by inserting after the item related to section 232 the following:

''Sec. 232A. Deadline for scanning all cargo containers.''.

SA 299. Mr. STEVENS (for himself, Mrs. CLINTON, Mr. INOUYE, Mrs. HUTCHISON, Mr. SMITH, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE XIV—911 MODERNIZATION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''911 Modernization Act''.

SEC. 1402. FUNDING FOR PROGRAM.

Section 3011 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking ''The'' and inserting:

''(a) IN GENERAL.—The''; and

(2) by adding at the end the following:

''(b) CREDIT.—The Assistant Secretary may borrow from the Treasury, upon enactment of this provision, such sums as necessary, but not to exceed $43,500,000 to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.''.

SEC. 1403. NTIA COORDINATION OF E–911 IMPLEMENTATION.

Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: ''Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to provide priority for public safety answering points not capable, as of the date of enactment of that Act, of receiving 911 calls.''.

SA 300. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visas issued before, on, or after such date.

SA 301. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between the matter preceding line 7 and line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) ''appropriate committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) ''improper payment'' has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—A grant recipient of funds received under any grant program administered by the Department may not expend such funds, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

SA 302. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall be—

(1) compensated for training and services time while participating in the program: and

(2) required to agree, as a condition of participation in the program, to accept employment as a screener upon successful completion of the internship and upon graduation from the secondary school.

SA 303. Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15___. IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), after ''title 49,'' insert ''or any other offense listed under section 2332b(g)(5)(B) of this title,''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''5 years'' and inserting ''10 years''; and

(ii) in subparagraph (B), by striking ''20 years'' and inserting ''25 years''; and

(2) by amending subsection (b) to read as follows:

''(b) CIVIL ACTION.—

''(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

''(2) EFFECT OF CONDUCT.—

''(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

''(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

''(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

''(B) APPLICABILITY.—A person described in this subparagraph is any person that—

''(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

''(ii) receives notice that another party believes that the information indicates that such an activity has taken, is taking, or will take place; and

''(iii) after receiving such notice, fails to promptly and reasonably inform any party described in subparagraph (B) of the actual nature of the activity.''.

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

''(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.''.

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

''For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.''.

SA 304. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 281 submitted by Mr. BINGAMAN (for himself and Mr. DOMENICI) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 8 through 13 and insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SA 305. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, or detain an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period

for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SA 306. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, after line 20, add the following:

Subtitle D—Transport of High Hazard Materials

SEC. 1391. REGULATIONS FOR TRANSPORT OF HIGH HAZARD MATERIALS.

(a) DEFINITION OF HIGH THREAT CORRIDOR.—In this section, the term ''high threat corridor'' means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of high hazard materials, including—

(1) areas important to national security;

(2) areas that terrorists may be particularly likely to attack; or

(3) any other area designated by the Secretary as vulnerable to damage from the shipment or storage of high hazard materials.

(b) PURPOSES OF REGULATIONS.—The regulations issued under this section shall establish a national, risk-based policy for high hazard materials being transported or stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing high hazard materials.

(c) ISSUANCE OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations, after notice and opportunity for public comment, concerning the shipment and storage of high hazard materials. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations related to shipping and storing high hazard materials.

(d) REQUIREMENTS.—The regulations issued under this section shall—

(1) except as provided in subsection (e), provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor;

(2) establish protocols for owners and operators of railroads that ship high hazard materials regarding notifying all governors, mayors, and other designated officials and local emergency response providers in a high threat corridor of the quantity and type of high hazard materials that are transported by rail through the high threat corridor;

(3) establish protocols for the coordination of Federal, State, and local law enforcement authorities in creating a plan to respond to a terrorist attack, sabotage, or accident involving a shipments of high hazard materials that causes the release of such materials; and

(4) establish standards for the Secretary to grant exceptions to the rerouting requirement under paragraph (1).

(e) TRANSPORTATION AND STORAGE OF HIGH HAZARD MATERIALS THROUGH HIGH THREAT CORRIDOR.—

(1) IN GENERAL.—The standards for the Secretary to grant exceptions under subsection (d)(4) shall require a special finding by the Secretary that—

(A) the shipment originates or the point of destination is in the high threat corridor;

(B) there is no practicable alternative route;

(C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;

(D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on the shipment; or

(E) rerouting would increase the likelihood of a terrorist attack on the shipment.

(2) PRACTICAL ALTERNATE ROUTES.—Whether a shipper must use an interchange agreement or otherwise use a system of tracks or facilities owned by another operator shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1).

(3) GRANT OF EXCEPTION.—If the Secretary grants an exception under subsection (d)(4)—

(A) the high hazard material may not be stored in the high threat corridor, including under a leased track or rail siding agreement; and

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

SA 307. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, strike lines 8 through 15 and insert the following:

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials and consider the addition of this type of technology to the required communications technology attributes under paragraph (1).

SA 308. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following principles:

(1) The responsibility for ensuring the national security of the United States rests exclusively with the Government of the United States and should not be delegated in whole or in part to any international organization, agency, or tribunal or to the government of any other country.

(2) The freedom of the Government of the United States to act as it deems appropriate to ensure the security of the American people should not be limited by, or made dependent upon, the action or inaction of any international organization, agency, or tribunal or by the government of any other country.

(3) The Constitution of the United States is the supreme law of the land and cannot be subordinated to, or superseded by, the decisions, rulings, or other acts of any international organization, agency, or tribunal or by the government of any other country.

(4) In carrying out its responsibility for ensuring the national security of the United States, the Government of the United States has sought and should continue to seek the cooperation and support of international organizations, agencies, and tribunals, including the United Nations and its affiliated organizations and agencies, as well as the governments of other countries, but no decision or act taken by the Government of the United States regarding its responsibility to provide for the common defense, promote the general welfare, and secure the liberty of the American people should be deemed to require authorization, permission, or approval by any international organization, agency, or tribunal or by the government of any other country.

(5) The United Nations Security Council should not be asked to authorize the PSI under international law, and in order for the United Nations to be helpful in combating terrorism and proliferation, it should first—

(A) establish a comprehensive definition of terrorism that condemns all acts by individuals, resistance movements or other irregular military groups, or nations intended to cause death or serious injury to civilians or non-combatants with the purpose of intimidating a population or compelling a government to do or abstain from doing any act;

(B) fulfill the September 2005 commitment of the Summit of World Leaders to establish a comprehensive convention against terrorism;

(C) have the United Nations Counter-Terrorism Committee establish a list of individuals, organizations, and states that commit terrorist acts or support terrorist groups and activities;

(D) prohibit states under sanction for human rights abuses or terrorism by the United Nations Security Council from running for seats on or chairing any United Nations body, such as the Human Rights Council or the United Nations Disarmament Commission;

(E) prohibit member states in violation of Chapter 7 of the United Nations Charter and seen as a threat to international security and peace from sitting as non-permanent members of the United Nations Security Council; and

(F) prohibit giving United Nations credentials to nongovernmental organizations that promote or condone terrorism or terrorist groups.

(6) Formalizing the PSI into a multilateral regime would severely hamper PSI's flexibility and ability to adapt to changing conditions.

(b) STRENGTHENING THE PROLIFERATION SECURITY INITIATIVE.—The President is not authorized to—

(1) seek to subject the Proliferation Security Initiative to any authority, oversight, or resolution of the United Nations Security Council, international law, an international organization, agency, or tribunal, or the government of any country not participating in the Proliferation Security Initiative; or

(2) formalize the Proliferation Security Initiative into a multilateral regime.

SA 309. Mr. GRASSLEY (for himself, Mr. GRAHAM, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, insert the following:

TITLE XVI—MONEY LAUNDERING AND TERRORIST FINANCING

SEC. 1601. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Combating Money Laundering and Terrorist Financing Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE XVI—MONEY LAUNDERING AND TERRORIST FINANCING

Sec. 1601. Short title; table of contents.

Subtitle A—Money Laundering

Sec. 1610. Specified unlawful activity.
Sec. 1611. Making the domestic money laundering statute apply to ''reverse money laundering'' and interstate transportation.
Sec. 1612. Procedure for issuing subpoenas in money laundering cases.
Sec. 1613. Transportation or transhipment of blank checks in bearer form.
Sec. 1614. Bulk cash smuggling.
Sec. 1615. Violations involving commingled funds and structured transactions.
Sec. 1616. Charging money laundering as a course of conduct.
Sec. 1617. Illegal money transmitting businesses.
Sec. 1618. Knowledge that the property is the proceeds of a specific felony.
Sec. 1619. Extraterritorial jurisdiction.
Sec. 1620. Conduct in aid of counterfeiting.
Sec. 1621. Use of proceeds derived from criminal investigations.

Subtitle B—Technical Amendments

Sec. 1631. Technical amendments to sections 1956 and 1957 of title 18.

Subtitle A—Money Laundering

SEC. 1610. SPECIFIED UNLAWFUL ACTIVITY.

Section 1956(c)(7) of title 18, United States Code, is amended to read as follows:

''(7) the term 'specified unlawful activity' means—

''(A) any act or activity constituting an offense in violation of the laws of the United States or any State punishable by imprisonment for a term exceeding 1 year; and

''(B) any act or activity occurring outside of the United States that would constitute an offense covered under subparagraph (A) if the act or activity had occurred within the jurisdiction of the United States or any State;''.

SEC. 1611. MAKING THE DOMESTIC MONEY LAUNDERING STATUTE APPLY TO "REVERSE MONEY LAUNDERING" AND INTERSTATE TRANSPORTATION.

(a) IN GENERAL.—Section 1957 of title 18, United States Code, is amended—

(1) in the heading, by inserting ''**or in support of criminal activity**'' after ''**specified unlawful activity**'';

(2) in subsection (a), by striking ''Whoever'' and inserting the following:

''(1) Whoever''; and

(3) by adding at the end the following:

''(2) Whoever—

''(A) in any of the circumstances set forth in subsection (d)—

''(i) conducts or attempts to conduct a monetary transaction involving property of a value that is greater than $10,000; or

''(ii) transports, attempts to transport, or conspires to transport property of a value that is greater than $10,000;

''(B) in or affecting interstate commerce; and

''(C) either—

''(i) knowing that the property was derived from some form of unlawful activity; or

''(ii) with the intent to promote the carrying on of specified unlawful activity;

shall be fined under this title, imprisoned for a term of years not to exceed the statutory maximum for the unlawful activity from which the property was derived or the unlawful activity being promoted, or both.''.

(b) CHAPTER ANALYSIS.—The item relating to section 1957 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

''1957. Engaging in monetary transactions in property derived from specified unlawful activity or in support of criminal activity.''.

SEC. 1612. PROCEDURE FOR ISSUING SUBPOENAS IN MONEY LAUNDERING CASES.

(a) IN GENERAL.—Section 986 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROCEDURE FOR ISSUING SUBPOENAS.—The Attorney General, the Secretary of the Treasury, or the Secretary of Homeland Security may issue a subpoena in any investigation of a violation of sections 1956, 1957 or 1960, or sections 5316, 5324, 5331 or 5332 of title 31, United States Code, in the manner set forth under section 3486.''.

(b) GRAND JURY AND TRIAL SUBPOENAS.—Section 5318(k)(3)(A)(i) of title 31, United States Code, is amended—

(1) by striking ''related to such correspondent account'';

(2) by striking ''or the Attorney General'' and inserting '', the Attorney General, or the Secretary of Homeland Security''; and

(3) by adding at the end the following:

''(iii) GRAND JURY OR TRIAL SUBPOENA.—In addition to a subpoena issued by the Attorney General, Secretary of the Treasury, or the Secretary of Homeland Security under clause (i), a subpoena under clause (i) includes a grand jury or trial subpoena requested by the Government.''.

(c) FAIR CREDIT REPORTING ACT AMENDMENT.—Section 604(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(1)) is amended—

(1) by striking ''or''; and

(2) by inserting before the period the following: '', or an investigative subpoena issued under section 5318 of title 31, United States Code''.

(d) OBSTRUCTION OF JUSTICE.—Section 1510(b) of title 18, United States Code, is amended—

(1) in paragraph (2)(A), by inserting ''or an investigative subpoena issued under section 5318 of title 31, United States Code'' after ''grand jury subpoena''; and

(2) in paragraph (3)(B), by inserting '', an investigative subpoena issued under section 5318 of title 31, United States Code,'' after ''grand jury subpoena''.

(e) RIGHT TO FINANCIAL PRIVACY ACT.—Section 1120 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended—

(1) in subsection (a)(1), by inserting ''or to the Government'' after ''to the grand jury''; and

(2) in subsection (b)(1), by inserting '', or an investigative subpoena issued pursuant to section 5318 of title 31, United States Code,'' after ''grand jury subpoena''.

SEC. 1613. TRANSPORTATION OR TRANSHIPMENT OF BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

''(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value equal to the highest value of the funds in the account on which the monetary instrument is drawn during the time period the monetary instrument was being transported or the time period it was negotiated or was intended to be negotiated.''.

SEC. 1614. BULK CASH SMUGGLING.

Section 5332 of title 31, United States Code, is amended—

(1) in subsection (b)(1), by striking ''5 years'' and inserting ''10 years''; and

(2) by adding the end the following:

''(d) INVESTIGATIVE AUTHORITY.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service.''.

SEC. 1615. VIOLATIONS INVOLVING COMMINGLED FUNDS AND STRUCTURED TRANSACTIONS.

Section 1957(f) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(4) the term 'monetary transaction in criminally derived property that is of a value greater than $10,000' includes—

''(A) a monetary transaction involving the transfer, withdrawal, encumbrance or other disposition of more than $10,000 from a bank account in which more than $10,000 in proceeds of specified unlawful activity have been commingled with other funds;

''(B) a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted; and

''(C) any financial transaction covered under section 1956(j) that involves more than $10,000 in proceeds of specified unlawful activity; and

''(5) the term 'monetary transaction involving property of a value that is greater than $10,000' includes a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted.''.

SEC. 1616. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

(a) IN GENERAL.—Section 1956 of title 18, United States Code, is amended by adding at the end the following:

''(j) MULTIPLE VIOLATIONS.—Multiple violations of this section that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.''.

(b) CONSPIRACIES.—Section 1956(h) of title 18, United States Code, is amended by striking ''or section 1957'' and inserting '', section 1957, or section 1960''.

SEC. 1617. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 1960 of title 18, United States Code, is amended—

(A) in the heading by striking ''**unlicensed**'' and inserting ''**illegal**'';

(B) in subsection (a), by striking ''unlicensed'' and inserting ''illegal''; and

(C) in subsection (b)(1), by striking ''unlicensed'' and inserting ''illegal''.

(2) CHAPTER ANALYSIS.—The item relating to section 1960 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

''1960. Prohibition of illegal money transmitting businesses.''.

(b) DEFINITION OF BUSINESS TO INCLUDE INFORMAL VALUE TRANSFER SYSTEMS AND MONEY BROKERS FOR DRUG CARTELS.—Section 1960(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'business' includes any person or association of persons, formal or informal, licensed or unlicenced, that provides money transmitting services on behalf of any third party in return for remuneration or other consideration.''.

(c) PROHIBITION OF UNLICENSED MONEY TRANSMITTING BUSINESSES.—Section 1960(b)(1)(B) of title 18, United States Code, is amended by inserting the following before the semicolon: '', whether or not the defendant knew that the operation was required to comply with such registration requirements''.

(d) AUTHORITY TO INVESTIGATE.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

''(c) AUTHORITY TO INVESTIGATE.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, and the Secretary of Homeland Security.''.

SEC. 1618. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A SPECIFIC FELONY.

(a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting '', and regardless of whether or not the person knew that the activity constituted a felony'' before the semicolon at the end.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking ''specified unlawful activity'' and inserting ''some form of unlawful activity''; and

(2) in paragraph (2)(B)(i), by striking ''specified unlawful activity'' and inserting ''some form of unlawful activity''.

SEC. 1619. EXTRATERRITORIAL JURISDICTION.

Section 1956(f)(1) of title 18, United States Code, is amended by inserting ''or has an effect in the United States'' after ''conduct occurs in part in the United States''.

SEC. 1620. CONDUCT IN AID OF COUNTERFEITING.

(a) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever has in his control, custody, or possession any plate'' the following:

''Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of the United States or any part of such obligation or security, except under the authority of the Secretary of the Treasury; or''.

(b) FOREIGN OBLIGATIONS AND SECURITIES.—Section 481 of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever, with intent to defraud'' the following:

''Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of any foreign government, bank, or corporation; or''.

(c) COUNTERFEIT ACTS.—Section 470 of title 18, United States Code, is amended by striking ''or 474'' and inserting ''474, or 474A''.

(d) STRENGTHENING DETERRENTS TO COUNTERFEITING.—Section 474A of title 18, United States Code is amended—

(1) in subsection (a)—

(A) by inserting '', custody,'' after ''control'';

(B) by inserting '', forging, or counterfeiting'' after ''to the making'';

(C) by striking ''such obligation'' and inserting ''obligation''; and

(D) by inserting ''of the United States'' after ''or other security'';

(2) in subsection (b)—

(A) by inserting '', custody,'' after ''control'';

(B) striking ''any essentially identical feature or device'' and inserting ''any material or other thing made after or in the similitude of any such deterrent''; and

(C) by inserting '', forging, or counterfeiting'' after ''to the making'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

''(c) Whoever has in his control, custody, or possession any altered obligation or security of the United States or any foreign government adapted to the making, forging, or counterfeiting of any obligation or security of the United States or any foreign government, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.''.

SEC. 1621. USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.

(a) AUTHORITY OF SECRET SERVICE.—During fiscal years 2008 through 2010, with respect to any undercover investigative operation of the United States Secret Service (in this section referred to as the ''Secret Service'') which is necessary for the detection and prosecution of crimes against the United States—

(1) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, may be used to purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to—

(A) sections 1341 and 3324 of title 31 of the United States Code;

(B) section 8141 of title 40 of the United States Code;

(C) sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22); and

(D) sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and 255);

(2) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, may be used—

(A) to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation; and

(B) to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31 of the United States Code;

(3) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, and the proceeds seized, earned, or otherwise accrued from any such undercover investigative operation, may be deposited in banks or other financial institutions, without regard to—

(A) section 648 of title 18 of the United States Code; and

(B) section 3302 of title 31 of the United States Code; and

(4) proceeds seized, earned, or otherwise accrued from any such undercover investigative operation may be used to offset the necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code.

(b) WRITTEN CERTIFICATION OF DIRECTOR REQUIRED.—

(1) IN GENERAL.—The authority granted under subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or the Director's designee.

(2) CONTENT OF CERTIFICATION.—Each certification issued under paragraph (1) shall state that any action authorized under paragraph (1), (2), (3), or (4) of subsection (a) is necessary to conduct the undercover investigative operation.

(3) DURATION OF CERTIFICATION.—Each certification issued under paragraph (1) shall continue in effect for the duration of the undercover investigative operation, without regard to fiscal years.

(c) TRANSFER OF PROCEEDS TO TREASURY.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4)

of subsection (a) are no longer necessary for the conduct of such operation, such proceeds, or the balance of such proceeds, remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) CORPORATIONS WITH A HIGH NET VALUE.—

(1) IN GENERAL.—If a corporation or business entity established or acquired as part of an undercover investigative operation under subsection (a)(2) having a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director of the Secret Service or the Director's designee determines is practicable, shall report the circumstances of such liquidation, sale, or other disposition to the Secretary of Homeland Security.

(2) TRANSFER OF PROCEEDS TO TREASURY.—The proceeds of any liquidation, sale, or other disposition of any corporation or business entity under paragraph (1) shall, after all other obligations are met, be deposited in the Treasury of the United States as miscellaneous receipts.

(e) AUDITS.—The Secret Service shall—

(1) conduct, on a quarterly basis, a detailed financial audit of each completed undercover investigative operation where a written certification was issued pursuant to this section; and

(2) report the results of each such audit in writing to the Secretary of Homeland Security.

Subtitle B—Technical Amendments

SEC. 1631. TECHNICAL AMENDMENTS TO SECTIONS 1956 AND 1957 OF TITLE 18.

(a) UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''conducts'' and inserting ''conduct''; and

(2) in paragraph (7)(F), by inserting '', as defined in section 24(a)'' before the semicolon.

(b) PROPERTY FROM UNLAWFUL ACTIVITY.—Section 1957 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''engages or attempts to engage in'' and inserting ''conducts or attempts to conduct''; and

(2) in subsection (f)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'conduct' has the meaning given such term under section 1956(c)(2).''.

SA 310. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page ___, between lines __ and __, insert the following:

SEC. 406. DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) by amending clause (ii) of subparagraph (B) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.'';

(B) by adding at the end of subparagraph (B), the following flush text:

''If, at the beginning of the removal period, as determined under this subparagraph, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii).''; and

(C) by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.'';

(3) in paragraph (2), by adding at the end the following new sentence: ''If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.'';

(4) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(5) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien''; and

(6) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of his parole or his removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected an entry into the United States. These procedures do not apply to any other alien detained pursuant to paragraph (6).

''(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(ii) LENGTH OF DETENTION.—The Secretary, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days, as authorized in clause (i)—

''(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

''(II) until the alien is removed, if the Secretary certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either—

''(AA) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified

crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(ee) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); and

''(III) pending a determination under subclause (II), so long as the Secretary has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (ee) of subparagraph (B)(ii)(II) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or his designee provide for a hearing to make the determination described in clause (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B). Paragraphs (6) through (8) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary of Homeland Security in the exercise of discretion may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''.

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) by inserting at the end of subsection (e) the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to section 235(f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''; and

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

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.''.

(c) SEVERABILITY.—If any of the provisions of this Act or any amendment by this Act, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this Act and of amendments made by this Act, and the application of the provisions and of the amendments made by this Act to any other person or circumstance shall not be affected by such holding.

(d) EFFECTIVE DATES.—

(1) AMENDMENTS MADE BY SUBSECTION (A).—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(2) AMENDMENTS MADE BY SUBSECTION (B).—The amendments made by subsection (b) shall take effect upon the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 407. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

''(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

''(1) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

''(A) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

''(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

''(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

''(2) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

''(3) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(A) has no lawful immigration status in the United States;

''(B) is the subject of a final order of removal; or

''(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).''.

(b) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by adding at the end the following new subparagraph:

''(C) the person's immigration status; and''.

SA 311. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION INJUNCTION REFORM.

(a) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with the requirements of paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1).

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term ''consent decree''—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date that is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying a motion made by the Government under subsection (a)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (a)(2)(B). Any order, staying, suspending, delaying, or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (a)(2)(B)(iv).

SA 312. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

SEC. 15___. RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

''§ 2332c. Recruitment of persons to participate in terrorism.

''(a) OFFENSES.—

''(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

''(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

''(b) PENALTIES.—Any person who violates subsection (a)—

''(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

''(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

''(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

''(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

''(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the

employment, solicitation, inducement, commanding, or causing has not been done.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

''2332c. Recruitment of persons to participate in terrorism.''; and

(2) by adding at the end the following:

''2339D. Receiving military type training from a foreign terrorist organization.''.

SA 313. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE HUNT FOR OSAMA BIN LADEN, AYMAN AL-ZAWAHIRI, AND THE LEADERSHIP OF AL QAEDA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Director of National Intelligence and the Secretary of Defense jointly shall submit to Congress a report describing the status of their efforts to capture Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(b) CONTENTS.—Each report required by subsection (a) shall include the following:

(1) A statement whether or not the January 11, 2007, assessment provided by Director of National Intelligence John Negroponte to the Select Committee on Intelligence of the Senate that the top leadership of al Qaeda has a ''secure hideout in Pakistan'' was applicable during the reporting period and, if not, a description of the current whereabouts of that leadership.

(2) A statement identifying each country where Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda are or may be hiding, including an assessment whether or not the government of each country so identified has fully cooperated in the efforts to capture them, and, if not, a description of the actions, if any, being taken or to be taken to obtain the full cooperation of each country so identified in the efforts to capture them.

(3) A description of the additional resources required to promptly capture Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(c) FORM OF REPORT.—Each report submitted to Congress under subsection (a) shall be submitted in a classified form and shall be accompanied by an unclassified form of the report that redacts the classified information in the report. The unclassified form of the report shall be made available to the public.

SA 314. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 215, strike line 6 and all that follows through page 219, line 7.

SA 315. Mr. LIEBERMAN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 215, strike line 22 and all that follows through page 219, line 7, and insert the following:

SEC. ___. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay . Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place such appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '',or section 111(d) of the Aviation and Transportation Security Act,'' after ''this Act''.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

SA 316. Mrs. MCCASKILL proposed an amendment to amendment SA 315 Proposed by Mr. LIEBERMAN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

In the Amendment strike all after 'SEC' on page 1, line 3 and insert the following:

APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay . Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place such appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '',or section 111(d) of the Aviation and Transportation Security Act,'' after ''this Act''.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This section shall take effect one day after date of enactment.

SA 317. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking all after ''2339C'' and inserting ''(relating to financing of terrorism), 2339E (relating to providing material support to international terrorism), or 2340A (relating to torture);''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''25 years''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''40 years''.

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

(c) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

''(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

''2339F. Denial of Federal benefits to terrorists.''.

(d) ADDITION OF ATTEMPTS OR CONSPIRACIES TO OFFENSE OF TERRORIST MURDER.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting '', or attempts or conspires to kill,'' after ''Whoever kills''; and

(2) in paragraph (2), by striking ''ten years'' and inserting ''30 years''.

(e) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

''(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.''.

(f) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(2) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

(3) in the matter following paragraph (2), by striking ''ten years'' and inserting ''40 years''.

SA 318. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States Imore secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) Whoever, being an employee or member of the Senate or House of Representatives of

the United States of America, or being entrusted with or having lawful possession of, access to, or control over any classified information contained in a report submitted to the Congress pursuant to the Improving America's Security Act of 2007, the USA Patriot Improvement and Reauthorization Act of 2005, or the Intelligence Reform and Terrorism Prevention Act of 2004, and who knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States, shall be fined under this title or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term ''classified information'' means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958 or successor orders;

The term ''unauthorized person'' means any person who does not have authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

SA 319. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:)

At the appropriate place, insert the following:

SEC. 1. AUTHORIZING THE SECRETARY OF HOMELAND SECURITY TO EXEMPT GROUPS THAT ARE NOT A THREAT TO THE UNITED STATES AND THAT DO NOT ATTACK CIVILIANS FROM THE DEFINITION OF "TERRORIST ORGANIZATION"

Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. §1182(d)(3)(B)(i)) is revised to read as follows:

''The Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that—

(I) subsection (a)(3)(B)(i)(IV)(bb) of this section shall not apply to an alien;

(II) subsection (a)(3)(B)(i)(VII) of this section shall not apply to an alien who endorsed or espoused terrorist activity or persuaded others to endorse or espouse terrorist activity or support a terrorist organization described in clause (vi)(III);

(III) subsection (a)(3)(B)(iv)(VI) of this section shall not apply with respect to any material support that an alien afforded under duress (as that term is defined in common law) to an organization or individual that has engaged in a terrorist activity;

(IV) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group that—

(aa) does not pose a threat to the United States or other democratic countries; and

(bb) has not engaged in terrorist activity that was targeted at civilians; or

(V) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group solely by virtue of its having a subgroup within the scope of that subsection.

''Such a determination may be revoked at any time, and neither the determination nor its revocation shall be subject to judicial review under any provision of law, including section 2241 of title 28.''

SEC. 2. AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. §1181(a)(3)(B)), the Hmong, the Montagnards, the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of the enactment of this section.

SEC. 3. DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. §1181(a)(3)(B)), the Taliban shall be considered a terrorist organization described in subclause (I) of clause (vi) of that section.

SEC. 4. TECHNICAL CORRECTION TO EXCEPTION TO INADMISSIBILITY GROUND FOR TERRORIST ACTIVITIES FOR SPOUSES AND CHILDREN

Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking ''Subclause (VII)'' and replacing it with ''Subclause (IX)''.

SEC. 5. EFFECTIVE DATE

The amendment made by this section shall take effect on the date of enactment of this section, and this amendment and clause 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)), as amended by this section, shall apply to—

(a) removal proceedings instituted before, on, or after the date of the enactment of this section; and

(b) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SA 320. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Classified Information Procedures Reform Act of 2007''.

(b) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end ''The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.''.

(c) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''written statement to be inspected'' and inserting ''statement to be made ex parte and to be considered''; and

(2) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) by inserting '', as well as any summary of the classified information the defendant seeks to obtain,'' after ''text of the statement of the United States''.

(d) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting '', AND ACCESS TO,'' after ''OF'';

(2) by inserting ''(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—'' before the first sentence; and

(3) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

''(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of

inquiry not involving such classified information.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 1, 2007, at 9:30 a.m., in open session to receive testimony on Afghanistan.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Thursday, March 1, 2007, at 10 a.m. in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the Universal Service fund.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, March 1, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on the Energy Information Administration's Annual Energy Outlook.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Thursday, March 1, 2007, at 10 a.m. in SD–406. The purpose of the hearing is to review state, local and regional government approaches to address global warming.

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

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 1, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Medicare Payment for Physician Services: Examining New Approaches''.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a markup on Thursday, March 1, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Agenda

I. Matters Carried Over from Previous Meeting: S. 236, The Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu; S. 378, The Court Security Improvement Act of 2007, Leahy, Specter, Durbin, Cornyn, Kennedy, Hatch; S. 442, The John R. Justice Prosecutors and Defenders Incentive Act of 2007, Durbin, Specter, Leahy, Biden.

II. Nominations: Thomas M. Hardiman to be United States Circuit Judge for the Third Circuit: 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.

III. Bills: S. 261, Animal Fighting Prohibition Enforcement Act of 2007, Cantwell, Specter, Durbin, Kyl, Feinstein, Feingold, Kohl; S. 376, Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Kyl, Cornyn, Grassley, Sessions.

IV. Resolutions: S. Res. 78, Designating April 2007 as ''National Autism Awareness Month'', Hagel, Feingold; S. Res. 81, Recognizing the 45th anniversary of John Glenn's becoming the first United States astronaut to orbit the Earth), Brown, Voinovich.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 1, 2007 at 2:30 p.m. to hold a closed hearing.

THE PRESIDING OFFICER.

Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, March 1, 2007, at 3 p.m. for a hearing regarding ''Improving Federal Financial Management: Progress Made and the Challenges Ahead,''

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to hold a hearing during the session of the Senate on Thursday, March 1, 2007, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 380, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar Nos. 32 through 35 and all nominations on the Secretary's desk; that the nominations be confirmed; the motions to reconsider be laid upon the table; any statements thereon be printed at the appropriate place in the RECORD; the President be immediately notified of the Senate's action; and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Shelby G. Bryant, 0000
Brigadier General Howard M. Edwards, 0000
Brigadier General Norman L. Elliott, 0000
Brigadier General Steven E. Foster, 0000
Brigadier General Robert D. Ireton, 0000
Brigadier General Emil Lassen, III, 0000
Brigadier General George T. Lynn, 0000
Brigadier General Robert B. Newman, Jr., 0000
Brigadier General Timothy R. Rush, 0000
Brigadier General Stephen M. Sischo, 0000

To be brigadier general

Colonel Craig W. Blankenstein, 0000
Colonel William J. Crisler, Jr., 0000
Colonel Johnny O. Haikey, 0000
Colonel Rodney K. Hunter, 0000
Colonel Jeffrey R. Johnson, 0000
Colonel Verle L. Johnston, Jr., 0000
Colonel Jeffrey S. Lawson, 0000
Colonel Bruce R. Macomber, 0000
Colonel Gregory L. Marston, 0000
Colonel James M. McCormack, 0000
Colonel Deborah C. McManus, 0000
Colonel John E. Mooney, Jr., 0000
Colonel Daniel L. Peabody, 0000
Colonel Kenny Ricket, 0000
Colonel Scott B. Schofield, 0000
Colonel John G. Sheedy, 0000
Colonel John B. Soileau, Jr., 0000
Colonel Francis A. Turley, 0000
Colonel James R. Wilson, 0000
Colonel Paul G. Worcester, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Benjamin C. Freakley, 0000

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel David H. Berger, 0000
Colonel William D. Beydler, 0000
Colonel Mark A. Brilakis, 0000
Colonel Mark A. Clark, 0000
Colonel David C. Garza, 0000
Colonel Charles L. Hudson, 0000
Colonel Ronald J. Johnson, 0000
Colonel Thomas M. Murray, 0000

Colonel Lawrence D. Nicholson, 0000
Colonel Andrew W. O'Donnell, Jr., 0000
Colonel Robert R. Ruark, 0000

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Tracy L. Garrett, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN216 AIR FORCE nominations (14) beginning GINO L. AUTERI, and ending JESUS E. ZARATE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN217 AIR FORCE nominations (15) beginning BRIAN E. BERGERON, and ending LOLO WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN218 AIR FORCE nominations (35) beginning BRIAN D. AFFLECK, and ending LORNA A. WESTFALL, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN219 AIR FORCE nominations (24) beginning WILLIAM R. BAEZ, and ending MICHAEL D. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN220 AIR FORCE nominations (151) beginning KENT D. ABBOTT, and ending AN ZHU, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN221 AIR FORCE nominations (4) beginning ANTHONY J. PACENTA, and ending CHARLES J. MALONE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN222 AIR FORCE nominations (51) beginning TANSEL ACAR, and ending DAVID A. ZIMLIKI, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN223 AIR FORCE nominations (287) beginning BRIAN G. ACCOLA, and ending DAVID H. ZONIES, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN256 AIR FORCE nominations (2) beginning JEFFREY M. KLOSKY, and ending ROBERT W. ROSS III, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

IN THE ARMY

PN224 ARMY nomination of Todd A. Plimpton, which was received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN225 ARMY nominations (2) beginning PERRY L. HAGAMAN, and ending WILLIAM A. HALL, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN226 ARMY nominations (84) beginning DAVID W. ADMIRE, and ending D060341, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN227 ARMY nominations (129) beginning JAMES A. ADAMEC, and ending VANESSA WORSHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN228 ARMY nominations (26) beginning DENNIS R. BELL, and ending KENT J. VINCE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN229 ARMY nominations (157) beginning RONALD J. AQUINO, and ending D060343, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN257 ARMY nomination of Miyako N. Schanely, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN258 ARMY nominations (72) beginning ANTHONY C. ADOLPH, and ending KAIESHA N. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN259 ARMY nominations (26) beginning ANDREW W. AQUINO, and ending PAUL J. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN273 ARMY nomination of Susan M. Osovitzoien, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN274 ARMY nomination of Tom K. Staton, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN275 ARMY nomination of Evan F. Tillman, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN276 ARMY nominations (3) beginning MICHAEL A. CLARK, and ending JANET L. NORMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN277 ARMY nominations (7) beginning EDWARD W. TRUDO, and ending MING JIANG, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

IN THE MARINE CORPS

PN261 MARINE CORPS nominations (2) beginning DONALD E. EVANS JR., and ending ELLIOTT J. ROWE, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN262 MARINE CORPS nomination of Jorge L. Medina, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN263 MARINE CORPS nominations (2) beginning DOUGLAS M. FINN, and ending RONALD P. HEFLIN, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN264 MARINE CORPS nominations (3) beginning CHARLES E. BROWN, and ending DAVID S. PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN265 MARINE CORPS nominations (4) beginning STEVEN P. COUTURE, and ending JESSE MCRAE, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN266 MARINE CORPS nominations (94) beginning JONATHAN G. ALLEN, and ending JOHN W. WIGGINS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN278 MARINE CORPS nominations (2) beginning CHARLES E. DANIELS, and ending TIMOTHY O. EVANS, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN279 MARINE CORPS nomination of Brian T. Thompson, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN280 MARINE CORPS nomination of Michael R. Cirillo, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN281 MARINE CORPS nominations (2) beginning VERNON L. DARISO, and ending RICHARD W. FIORVANTI JR., which nominations were received by the Senate and appeared in he Congressional Record of February 16, 2007.

PN282 MARINE CORPS nominations (4) beginning LEONARD R. DOMITROVITS, and ending ROBERT W. SAJEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN283 MARINE CORPS nominations (9) beginning SAMSON P. AVENETTI, and ending FRANCISCO C. RAGSAC, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN284 MARINE CORPS nominations (7) beginning JASON B. DAVIS, and ending PETER M. TAVARES, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN285 MARINE CORPS nominations (6) beginning DARREN L. DUCOING, and ending KENNETH L. VANZANDT, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN286 MARINE CORPS nominations (4) beginning ROBERT T. CHARLTON, and ending BRIAN A. TOBLER, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

IN THE NAVY

PN268 NAVY nomination of Mark A. Gladue, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN270 NAVY nomination of Terry L. Rucker, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

LEGISLATIVE SESSION

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

AUTHORIZING EXPENDITURES BY COMMITTEES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 60, S. Res. 89.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 89) authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

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

The resolution (S. Res. 89) was agreed to, as follows:

S. RES. 89

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2007, through September 30, 2007, in the aggregate of $55,446,216, for the period October 1, 2007, through September 30, 2008, in the aggregate of $97,164,714, and for the period October 1, 2008, through February 28, 2009, in the aggregate of $41,263,116, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2007, through September 30, 2007, for the period October 1, 2007, through September 30, 2008, and for the period October 1, 2008, through February 28, 2009, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,204,538, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $3,862,713, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,640,188, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,073,254, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $7,139,800, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,032,712, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,370,280, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,905,629, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,507,776, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,554,606, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,230,828, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,646,665, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,652,467, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,400,560, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,718,112, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,083,641.

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,404,061.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,295,042.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,841,799, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $4,978,284, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,113,516, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,970,374, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,956,895, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,954,095, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,265,283, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,721,937, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,429,876, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,393,404, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,451,962, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $4,014,158, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2007, through February 28, 2009, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 50, agreed to February 17, 2005 (109th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,794,663, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $8,402,456, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,568,366, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,220,177, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,150,340, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,886,766, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,461,012, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,561,183, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,087,981, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,373,063, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,405,349, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,021,186, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,259,442, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,207,230, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $937,409, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,524,019, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,670,342, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,133,885, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,220,932, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,643,433, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,396,252, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,183,262, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,071,712, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $879,131, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2007, 2008, and 2009, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2007, through September 30, 2007; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2007, through September 30, 2008; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2008, through February 28, 2009.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

MODIFYING INDIVIDUAL ELIGIBILITY FOR ASSOCIATE MEMBERSHIP IN THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 743, which was introduced earlier today.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 743) to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 743) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 743

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

SECTION 1. MODIFICATION OF INDIVIDUALS ELIGIBLE FOR ASSOCIATE MEMBERSHIP IN MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED.

Section 140503(b) of title 36, United States Code, is amended by inserting '', spouses, siblings,'' after ''parents''.

RECOMMITTING TO A POLITICAL SOLUTION TO THE CONFLICT IN NORTHERN UGANDA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 16, which was submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) calling on the Government of Uganda and the Lord's Resistance Army to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

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

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas, for nearly two decades, the Government of Uganda has been engaged in an armed conflict with the Lord's Resistance Army (LRA) that has resulted in up to 200,000 deaths from violence and disease and the displacement of more than 1,600,000 civilians from eastern and northern Uganda.

Whereas former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland has called the crisis in northern Uganda ''the biggest forgotten, neglected humanitarian emergency in the world today'';

Whereas Joseph Kony, the leader of the LRA, and several of his associates have been indicted by the International Criminal Court for war crimes and crimes against humanity, including rape, murder, enslavement, sexual enslavement, and the forced recruitment of an estimated 66,000 children;

Whereas the LRA is a severe and repeat violator of human rights and has continued to attack civilians and humanitarian aid workers despite a succession of ceasefire agreements;

Whereas the Secretary of State has labeled the LRA ''vicious and cult-like'' and designates it as a terrorist organization;

Whereas the 2005 Department of State report on the human rights record of the Government of Uganda found that ''security forces committed unlawful killings ... and were responsible for deaths as a result of torture'' along with other ''serious problems,'' including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the 2004 Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), Congress declared its support for a peaceful resolution of the conflict in northern and eastern Uganda and called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts;

Whereas the Cessation of Hostilities Agreement, which was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006, and extended on November 1, 2006, requires both parties to cease all hostile military and media offensives and asks the Sudan People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks;

Whereas the Cessation of Hostilities Agreement is set to expire on February 28, 2007, and although both parties to the agreement have indicated that they are willing to continue with the peace talks, no date has been set for resumption of the talks, and recent reports have suggested that both rebel and Government forces are preparing to return to war;

Whereas a return to civil war would yield disastrous results for the people of northern Uganda and for regional stability, while peace in Uganda will bolster the fragile Comprehensive Peace Agreement in Sudan and de-escalate tensions in the Democratic Republic of the Congo;

Whereas continuing violence and instability obstruct the delivery of humanitarian assistance to the people of northern Uganda and impede national and regional trade, development and democratization efforts, and counter-terrorism initiatives; and

Whereas the Senate unanimously passed Senate Resolution 366, 109th Congress, agreed to February 6, 2006, and Senate Resolution 573, 109th Congress, agreed to September 19, 2006, calling on Uganda, Sudan, the United States, and the international community to bring justice and provide humanitarian assistance to northern Uganda and to support the successful transition from conflict to sustainable peace, while the House of Representatives has not yet considered comparable legislation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) disapproves of the LRA leadership's inconsistent commitment to resolving the conflict in Uganda peacefully;

(2) urges the Lord's Resistance Army (LRA) and the Government of Uganda to return to negotiations in order to extend and expand upon the existing ceasefire and to recommit to pursuing a political solution to this conflict;

(3) entreats all parties in the region to immediately cease human rights violations and

address, within the context of a broader national reconciliation process in Uganda, issues of accountability and impunity for those crimes against humanity already committed;

(4) presses leaders on both sides of the conflict in Uganda to renounce any intentions and halt any preparations to resume violence and to ensure that this message is clearly conveyed to armed elements under their control; and

(5) calls on the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other similar governmental agencies and nongovernmental organizations within the international community to continue and augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this crisis by publicly and forcefully reiterating the preceding demands.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 47, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 47) supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 47) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 800

Mr. DURBIN. Mr. President, I understand that H.R. 800 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes.

Mr. DURBIN. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

ORDERS FOR FRIDAY, MARCH 2, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, March 2; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 4, and that the time until 10 a.m. be for debate to run concurrently on the Sununu amendment No. 292 and the Salazar amendment No. 280, with the time equally divided and controlled between Senators SUNUNU and SALAZAR or their designees; that no amendments be in order to either amendment prior to the vote; and that at 10 a.m., without further intervening action or debate, the Senate vote in relation to the Sununu amendment; that upon disposition of the Sununu amendment, the Senate then vote in relation to the Salazar amendment; that there be 2 minutes of debate equally divided between the votes.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Friday, March 2, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 1, 2007:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL SHELBY G. BRYANT, 0000
BRIGADIER GENERAL HOWARD M. EDWARDS, 0000
BRIGADIER GENERAL NORMAN L. ELLIOTT, 0000
BRIGADIER GENERAL STEVEN E. FOSTER, 0000
BRIGADIER GENERAL ROBERT D. IRETON, 0000
BRIGADIER GENERAL EMIL LASSEN III, 0000
BRIGADIER GENERAL GEORGE T. LYNN, 0000
BRIGADIER GENERAL ROBERT B. NEWMAN, JR., 0000
BRIGADIER GENERAL TIMOTHY R. RUSH, 0000
BRIGADIER GENERAL STEPHEN M. SISCHO, 0000

To be brigadier general

COLONEL CRAIG W. BLANKENSTEIN, 0000
COLONEL WILLIAM J. CRISLER, JR., 0000
COLONEL JOHNNY O. HAIKEY, 0000
COLONEL RODNEY K. HUNTER, 0000
COLONEL JEFFREY R. JOHNSON, 0000
COLONEL VERLE L. JOHNSTON, JR., 0000
COLONEL JEFFREY S. LAWSON, 0000
COLONEL BRUCE R. MACOMBER, 0000
COLONEL GREGORY L. MARSTON, 0000
COLONEL JAMES M. MCCORMACK, 0000
COLONEL DEBORAH C. MCMANUS, 0000
COLONEL JOHN E. MOONEY, JR., 0000
COLONEL DANIEL L. PEABODY, 0000
COLONEL KENNY RICKET, 0000
COLONEL SCOTT B. SCHOFIELD, 0000
COLONEL JOHN G. SHEEDY, 0000
COLONEL JOHN B. SOILEAU, JR., 0000
COLONEL FRANCIS A. TURLEY, 0000
COLONEL JAMES R. WILSON, 0000
COLONEL PAUL G. WORCESTER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN C. FREAKLEY, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DAVID H. BERGER, 0000
COLONEL WILLIAM D. BEYDLER, 0000
COLONEL MARK A. BRILAKIS, 0000
COLONEL MARK A. CLARK, 0000
COLONEL DAVID C. GARZA, 0000
COLONEL CHARLES L. HUDSON, 0000
COLONEL RONALD J. JOHNSON, 0000
COLONEL THOMAS M. MURRAY, 0000
COLONEL LAWRENCE D. NICHOLSON, 0000
COLONEL ANDREW W. O'DONNELL, JR., 0000
COLONEL ROBERT R. RUARK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be Brigadier General

COL. TRACY L. GARRETT, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH GINO L. AUTERI AND ENDING WITH JESUS E. ZARATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN E. BERGERON AND ENDING WITH LOLO WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. AFFLECK AND ENDING WITH LORNA A. WESTFALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM R. BAEZ AND ENDING WITH MICHAEL D. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KENT D. ABBOTT AND ENDING WITH AN ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ANTHONY J. PACENTA AND ENDING WITH CHARLES J. MALONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH TANSEL ACAR AND ENDING WITH DAVID A. ZIMLIKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN G. ACCOLA AND ENDING WITH DAVID H. ZONIES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY M. KLOSKY AND ENDING WITH ROBERT W. ROSS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

IN THE ARMY

ARMY NOMINATION OF TODD A. PLIMPTON, 0000, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH PERRY L. HAGAMAN AND ENDING WITH WILLIAM A. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID W. ADMIRE AND ENDING WITH D060341, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH JAMES A. ADAMEC AND ENDING WITH VANESSA WORSHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH DENNIS R. BELL AND ENDING WITH KENT J. VINCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH RONALD J. AQUINO AND ENDING WITH D060343, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATION OF MIYAKO N. SCHANELY, 0000, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ANTHONY C. ADOLPH AND ENDING WITH KAIESHA N. WRIGHT, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

ARMY NOMINATIONS BEGINNING WITH ANDREW W. AQUINO AND ENDING WITH PAUL J. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

ARMY NOMINATION OF SUSAN M. OSOVITZOIEN, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TOM K. STATON, 0000, TO BE MAJOR.

ARMY NOMINATION OF EVAN F. TILLMAN, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL A. CLARK AND ENDING WITH JANET L. NORMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

ARMY NOMINATIONS BEGINNING WITH EDWARD W. TRUDO AND ENDING WITH MING JIANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH DONALD E. EVANS, JR. AND ENDING WITH ELLIOTT J. ROWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATION OF JORGE L. MEDINA, 0000, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH DOUGLAS M. FINN AND ENDING WITH RONALD P. HEFLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. BROWN AND ENDING WITH DAVID S. PHILLIPS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN P. COUTURE AND ENDING WITH JESSE MCRAE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH JONATHAN G. ALLEN AND ENDING WITH JOHN W. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. DANIELS AND ENDING WITH TIMOTHY O. EVANS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATION OF BRIAN T. THOMPSON, 0000, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL R. CIRILLO, 0000, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH VERNON L. DARISO AND ENDING WITH RICHARD W. FIORVANTI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH LEONARD R. DOMITROVITS AND ENDING WITH ROBERT W. SAJEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH SAMSON P. AVENETTI AND ENDING WITH FRANCISCO C. RAGSAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH JASON B. DAVIS AND ENDING WITH PETER M. TAVARES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH DARREN L. DUCOING AND ENDING WITH KENNETH L. VANZANDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT T. CHARLTON AND ENDING WITH BRIAN A. TOBLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

IN THE NAVY

NAVY NOMINATION OF MARK A. GLADUE, 0000, TO BE COMMANDER.

NAVY NOMINATION OF TERRY L. RUCKER, 0000, TO BE CAPTAIN.

EXTENSIONS OF REMARKS

RECOGNIZING JARRETT MUCK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jarrett Muck, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Jarrett has been very active with his troop, participating in many scout activities. Over the many years Jarrett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jarrett Muck for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING A CONCURRENT RESOLUTION HONORING THE 50TH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR (IGY)

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a resolution to mark the 50th anniversary of the International Geophysical Year (IGY), honoring its contributions to space research, and looking forward to future accomplishments. I am pleased that several of my colleagues from the Science and Technology Committee have joined me as original cosponsors and would like to thank Chairman GORDON, Space and Aeronautics Subcommittee Ranking Member CALVERT, and Research and Science Education Subcommittee Chairman BAIRD for their support.

The International Geophysical Year of 1957–1958 was a highly successful international effort to coordinate global observations and measurements of the solid Earth, oceans, the atmosphere, and the near-Earth space environment. It was truly a global effort, involving thousands of scientists from 67 nations who came together—in the midst of the Cold War—to plan and carry out this ambitious cooperative scientific initiative.

As we pause to honor the accomplishments of the IGY, it is worth remembering that the IGY marked the dawn of the Space Age. The successful launches of the first artificial satellites, Sputnik 1 by the former Soviet Union and Explorer 1 by the United States, opened new areas of research and enabled one of the most notable achievements of the IGY, the discovery of belts of trapped, charged particles in the Earth's upper atmosphere by the late Dr. James Van Allen of Iowa.

Yet the discovery of the Van Allen belts is just one of the significant scientific achievements of the IGY. Indeed, scientists around the world continue to build on the impressive research legacy left to them by their predecessors fifty years ago. Equally importantly, the IGY has been a shining example of the benefits of international cooperation in scientific endeavors. The coordination of global interdisciplinary observations by researchers from multiple nations during a time of geopolitical tensions continues to be an inspiration and a model for those who recognize the significant contributions that can be achieved when nations come together in the peaceful pursuit of scientific knowledge.

I introduced a similar resolution in the 108th Congress, which passed the House, to honor the IGY and to encourage the celebration of its 50th anniversary throughout the country and the globe. This commemoration serves to not only remember the great scientific work that was done during the IGY, but also to inspire the next generation of scientists and engineers, who will be critical to our continued progress and economic well being. In that regard, I encourage the public and in particular our young people to participate in celebrations planned for the IGY anniversary year and to embrace challenging goals for future research in Earth and space science, so that we will be able to look back, 50 years from now, on equally exciting accomplishments and discoveries.

Madam Speaker, I think that it is fitting that this Congress take the time to recognize and honor the fiftieth anniversary of the International Geophysical Year, and I hope that this concurrent resolution will be speedily adopted by the House.

BIOSURVEILLANCE ENHANCEMENT ACT OF 2007

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to introduce the Biosurveillance Enhancement Act of 2007.

Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. To date, these systems have not yet been adequately developed, although progress is being made. The Biosurveillance Enhancement Act of 2007 will further their development by building upon past efforts in order to provide the United States with a truly effective biosurveillance capability.

The legislation I am introducing today authorizes the National Biosurveillance Integration Center (NBIC), which will be the primary nexus of the Federal Government's biosurveillance efforts. The NBIC will serve as a centralized system for consolidating data from biological surveillance systems and will be staffed by an interagency group of biosurveillance experts. Relevant data feeds will be brought together and analyzed to monitor any unusual health activity, including human, animal, agricultural, food, and environmental health problems. This analysis will enable federal, State, and local governments, and private sector entities, to quickly detect and respond to a biological attack or an outbreak of any natural disease.

My legislation requires the Director to develop, maintain and operate the NBIC and ensure data is integrated from relevant surveillance systems to identify and characterize biological events in as near real-time as possible. This bill will also ensure that the Director continually enhances the NBIC's performance by regularly adding new data feeds, improving statistical and analytical tools, establishing procedures for reporting suspicious events, and providing technical assistance to State and local Governments and private entities.

This legislation will now give us the capability to integrate data from biosurveillance systems with other intelligence information to provide a comprehensive and timely picture of all existing biological threats. Information assembled within the NBIC, such as incident or situational awareness reports, will be shared with the heads of other agencies via information sharing networks.

The NBIC is designed to be a beacon of interagency partnering. Participating agencies will integrate biosurveillance information through the NBIC, provide timely information and connectivity of data systems, detail personnel to the NBIC, and participate in shaping the NBIC's operating practices. In addition, the Director may invite officials of other government agencies, including interagency partners, to participate in a working group to advise and steer the activities of the NBIC.

Situational awareness and early detection can mean the difference between an outbreak and an epidemic, or between a foiled and a successful biological attack. A strong biosurveillance capability will help protect our citizens and will enable us to more effectively respond to the worst-case scenarios. I urge my colleagues to join me in supporting this legislation.

A TRIBUTE TO THE LIFE OF MRS. VERNA DUTY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. COSTA. Madam Speaker, I rise today to honor the life of Mrs. Verna Duty. Mrs. Duty passed away peacefully on Saturday, February 24, 2007. She was 83 years old.

Ms. Duty lived a life of dedication and sincere loyalty to those she cared for and fulfilled

the philosophy by which she lived her life of "leaving it better than you found it."

Verna Viola Brown was born on September 18, 1923 in Keota, Oklahoma. Ms. Duty relocated to California and became a lifelong resident of Riverdale, California a small farming community in the San Joaquin Valley.

She was the wife of the late Mr. Joe Duty, a farm worker and she gained a deep appreciation and love for those who labored in the fields. Her pride and joy was being the mother of my dear friend Mayor Alan Autry of the City of Fresno. They shared a special bond and she was his biggest supporter as a mother, friend, confidante and hero. Her spiritual beliefs form an inspirational foundation of values for all who knew her.

Mrs. Duty is survived by her only child, Fresno Mayor Alan Autry and his wife Kimberlee of Fresno; her grandchildren Lauren, Heather and Austin; her brothers Tony, Gene, Alvin and Ronnie and sisters Gladys, Freda, Violet and Elaine.

Although the passing of Mrs. Verna Duty brings sadness to those whose lives she touched, her sincere and compassionate spirit and the ways in which she left this world a better place will never be forgotten.

HONORING THE 30TH ANNIVERSARY OF THE BAILEY'S CROSSROADS ROTARY CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to commemorate the 30th anniversary of the Bailey's Crossroads Rotary Club.

The Bailey's Crossroads Rotary Club was chartered on March 12, 1977, under the sponsorship of the Falls Church Rotary Club. The club was known as "The Early Birds" due to their 7:30 a.m. Friday meeting time at a Bob's Big Boy restaurant.

There were 27 members at the club's onset, which was prior to the approval of female membership. When Rotary International approved membership for women in 1989, the club led the way and was among the first to induct a woman into Rotary.

Bailey's Crossroads Rotary Club continues to maintain a focus on the Four Avenues of Service, both internationally and in the local community. The following activities are highlights of the club's service sponsorships: Interact Leadership Club at JEB Stuart High School; "Family Day"; delivery of Thanksgiving food baskets to the elderly during the holiday season; food and clothing drives to assist the needy; a Rotary Centennial construction project; and consistent support for matching grants projects.

Bailey's Crossroads Rotary Club has consistently been a leader in the number of members who are Paul Harris Fellows, having contributed $1,000 or more to the Annual Programs Fund. The club has given a total of $312,000 to the Rotary Foundation since 1977. The Bailey's club is known throughout Rotary District 7610 as the "Can Do Club" and has received numerous awards including Outstanding Club. I am proud to have served as 1 of the 29 past presidents, and commend current president, Joseph W. Luquire, for his dynamic leadership and for the excellent reputation of the club.

Madam Speaker, in closing, I congratulate Bailey's Crossroads Rotary Club on its continued success and contributions to their community and Nation. On the occasion of their 30th anniversary, I ask my colleagues to join me in acknowledging this outstanding and distinguished organization.

IN HONOR OF SYNOVUS BEING NAMED ONE OF THE BEST COMPANIES IN AMERICA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize and commend a company that has made Columbus, GA, the Second Congressional District of Georgia and the United States proud. Synovus, a diversified financial services holding company based in Columbus, GA, recently was named by Forbes magazine to their Platinum 400 List of America's Best Big Companies.

To create the list, Forbes looked at more than 1,000 publicly traded companies with at least $1 billion in revenue, and chose 400 based on metrics, earnings forecasts, corporate governance ratings, and other public company information. Of course, Forbes selected these companies not just for their financial performance, but also for their leadership, innovation, and execution.

The story of Synovus epitomizes the American spirit, exemplifying the kindness, innovation and enterprising character that has come to define this country. In the 1880s, a mill worker at Eagle and Phenix Mill in Columbus caught her dress in a piece of machinery. As her dress tore, her life savings, which she had sewn into her hem thinking it was the safest place for her money, spilled across the floor.

G. Gunby Jordan, the mill's secretary and treasurer, happened by and offered to keep her money in the mill safe and pay her monthly interest on the deposits. He soon offered the same service to all the mill workers, a system which years later, inspired Mr. Gunby to establish the institution that became Columbus Bank and Trust Company—Synovus' lead bank.

More than a century has passed since that torn dress, and like the act that founded Synovus, the company has continued to operate on the principles of integrity, character, treating people right and doing the right thing.

And it has served the company in good stead: Today, Synovus is one of the largest and strongest financial institutions in the Southeast, with 39 banks and $31 billion in assets.

Indeed, I am proud to have this company in my district. Please join me in congratulating Synovus and its 14,000 employees on receiving this award.

NEW PUNJAB CHIEF MINISTER URGED TO WORK FOR SIKH SOVEREIGNTY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOWNS. Madam Speaker, recently elections were held in Punjab. The voters turned out the Congress Party government and restored the Shiromani Akali Dal to power. This means that Parkash Singh Badal returns as Chief Minister.

The Congress Party claims to be secular, but the fact is that it presided over the massacre of Sikhs that took the lives of over a quarter of a million Sikhs. It was the party that carried out the military attack on the Golden Temple in Amritsar, the center and seat of the Sikh religion. On the other hand, the Akali Dal has historically been the pro-Sikh party. However, during the tenure of Chief Minister Amarinder Singh, Punjab did reclaim its water rights and cancel the agreements that allowed diversion of that water to other states. The bill implementing the cancellation explicitly declared the sovereignty of Punjab.

As you know, Madam Speaker, Punjab, Khalistan declared its independence on October 7, 1987.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has written to Chief Minister Badal urging him to keep his campaign promises of a better economic life for Punjab fanners, of clean government, and to reclaim the capital city of Chandigarh for Punjab. He also urged Mr. Badal to declare again the independence of Punjab, Khalistan and to work for a free and fair vote.

The essence of democracy is the right to self-determination. As such, a free and fair vote on the issue of independence is called for if India still wishes to be looked upon as the democracy it claims to be. The Indian government is sending out its sycophants to spin the Punjab elections as having "debunked" the Khalistan movement, but in fact, quite the opposite is the truth of the matter.

I call on this Congress to stand up for freedom and join in urging the Punjab Legislative Assembly to declare independence again, and to urge India to allow a free and fair plebiscite on the matter of independence for Khalistan, for the Christians of Nagaland, and for Kaslunir, as promised in 1948, as well as all others who seek their freedom. I also call for a stop to American aid and trade with India until basic human lights are respected and everyone there is allowed to live in freedom, dignity, prosperity, and security.

Madam Speaker, I would like to place the Council of Khalistan's letter to Chief Minister Badal into the RECORD at this time with the permission of the House.

COUNCIL OF KHALISTAN,
Washington, DC, February 28, 2007.

Hon. PARAKSH SINGH BADAL,
Chief Minister of Punjab, Chandigarh, Punjab, India.

DEAR CHIEF MINISTER BADAL: Congratulations on your victory in the Punjab elections and your return as Chief Minister. You promised the return of clean government to Punjab. That would be a welcome relief for the people of Punjab. You also promised free electricity and Rs4 per kilo for wheat flour and Rs20 per kilo for lentils for the poor. We

welcome these promises and urge you to implement them as soon as possible.

I call upon you to get Chandigarh back for Punjab. As you know, Punjab built Chandigarh to be its capital and it rightfully belongs to Punjab. It is time to get it back.

We also urge you to maintain. Captain Amarinder Singh's water policy. His government cancelled the unfair agreements that allowed the diversion of Punjab's water to nonriparian states. In that bill, the Legislative Assembly explicitly declared the sovereignty of Punjab. Unfortunately, the Congress Party, which presided over the massacre of Sikhs, is an anti-Sikh party. The Akali Dal has historically been the pro-Sikh party. Yours is the party that called on the Sikh Nation to prepare ourselves for ''the long struggle to liberate Khalistan.'' You are presiding over a Sikh political and religious institution that controls the gurdwaras in Punjab. Remember that Professor Darshan Singh, an Akali and former Jathedar of the Akal Takht, has said, ''If a Sikh is not for Khalistan, he is not a Sikh.''

Each morning and evening, we pray, ''Raj Kare Ga Khalsa,'' the Khalsa shall rule. Do you say this prayer sincerely? Will Delhi let you implement the new price structure you promised? They have done everything in their power to keep the Sikhs oppressed, including imposing President's rule on Punjab nine times. They have been responsible for the murders of a quarter of a million Sikhs, according to figures compiled by the Punjab State Magistracy and published in The Politics of Genocide by Inderjit Singh Jaijee. The Movement Against State Repression reports that over 52,000 Sikhs are being held as political prisoners without charge or trial, some since 1984! The late General Narinder Singh said that ''Punjab is a police state.''

You have promised to end ''the dark and corrupt legacy of despotic dictatorship.'' There is only one way to do so. That is to declare the sovereign independence of Khalistan. The Legislative Assembly can do this and should do it. This would elevate you immediately from Chief Minister to Prime Minister. Self-determination is the essence of democracy. Why can't India do the democratic thing and allow the people of Punjab, Khalistan to vote in a free and fair plebiscite on the question of independence? What are they afraid of?

Again I congratulate you and urge you to work to end the oppression of Sikhs and keep the interests of the Sikh Nation foremost in your mind as you embark upon your term as Chief Minister. I urge you to work to regain the sovereignty that is our birthright.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

TRIBUTE TO THE TOWNSHIP OF MILLBURN, ESSEX COUNTY, NJ

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the township of Millburn, Essex County, NJ, a vibrant community I am proud to represent. All through 2007 the good citizens of Millburn township will be celebrating the township's 150th anniversary with special events including a sesquicentennial parade in June and an anniversary ball in October.

Millburn began as a colonial settlement with agricultural origins, followed by a 19th century mill/factory economy and eventually became a Victorian—and later—residential community. There are many examples of this rich history still present in the township, from the Hessian House, the Cora Hartshorn Arboretum, and the Paper Mill Playhouse to the historic districts, Short Hills Park and Wyoming.

Millburn township was once part of Elizabethtown and Newark settlements in New Jersey, created by a grant from Charles II to his brother James in 1664. In 1793, Springfield township was created including Millburn. In 1857, Springfield became part of the new Union County and Millburn became a separate township within Essex County.

After the Revolution, the Rahway River was dammed in five places to form mill ponds. Samuel Campbell built the first paper mill in 1790 and manufactured banknotes. Most of the early mills were paper mills, among them the Diamond Mill, now the site of the Paper Mill Playhouse, but hat mills eventually became dominant. In 1835, the Morris and Essex Railroad was finally completed, linking Millburn to the big cities in the East and the coal regions in the northwest.

Millburn has had many names, from Rum Brook, Vauxhall, Milltown, and Millville. In 1857, Millburn was decided upon, partly because many of the town's residents were from Scotland and the mill burn—Scot word for river or stream—reminded them of home. Later there were disputes over the spelling of Millburn, but the double-L advocates won.

In 1872, the Wyoming Land and Improvement Company purchased 100 acres of land and the first speculative real estate development was started and named Wyoming. Stewart Hartshorn acquired 1,552 acres to build his ideal village called Short Hills, the first planned commuter suburb in America.

Today, Millburn township has a population of approximately 19,735 and is comprised of Millburn, including the historic Wyoming district, South Mountain and Millburn Center areas, and Short Hills which includes the sections of Knollwood, Glenwood, Brookhaven, Country Club, Merrywood, Deerfield-Crossroads, Mountaintop, White Oak Ridge and Old Short Hills Estates.

Madam Speaker, I urge you and my colleagues to join me in congratulating the residents of Millburn township on the celebration of 150 years of rich history of one of New Jersey's finest municipalities.

RECOGNIZING BRIAN PATRICK WESSLING FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Patrick Wessling, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Patrick Wessling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF ROYALTY-IN-KIND FOR ENERGY ASSISTANCE LEGISLATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am again introducing the Royalty-in-Kind for Energy Assistance Improvement Act. This bill is intended to make it possible for the Department of Interior to implement a provision in the Energy Policy Act of 2005 that was intended to provide a new way to assist low-income people to heat or cool their homes.

For several years before 2005, the Department of Interior had authority to develop ''royalty-in-kind'' arrangements under which companies developing federal oil could meet their required royalty payments by providing oil instead of cash. The Energy Policy Act expanded this provision to apply to natural-gas developers as well, and also added new authority for Interior to grant a preference to low-income consumers when disposing of natural gas it obtained under such an arrangement.

While this Energy Policy Act provision does not specifically reference the federal Low-Income Home Energy Assistance Program (LIHEAP), its implementation could benefit that program.

LIHEAP is intended to help low-income Americans pay for their heating and cooling costs. However, at current funding levels this critically important program serves less than 15 percent of those who qualify for it. Implementing the Energy Policy Act provision to grant a preference to low-income consumers would supplement LIHEAP funding and expand the amount of energy assistance available to the poor.

After enactment of the 2005 legislation, I joined my colleagues from Colorado in writing a letter to Interior Secretary Gail Norton asking her to consider beginning implementation of the new provision through a pilot program in Colorado. In the letter we emphasized the importance of helping this country's most vulnerable citizens, who are increasingly hard hit by rising energy costs.

In a reply to my office, the Interior Department responded that the Interior Department's lawyers had reviewed the Energy Policy Act provision and had concluded that as it now stands it could not be implemented because the current law ''does not provide the Department with the authority or discretion to receive less than fair market value for the royalty gas or oil.''

My bill is intended to correct the legal deficiencies in the provision as enacted to make it possible for the Interior Department to implement the program. In developing the legislation, my staff has reviewed the Interior Department's legal opinion and has consulted with the Interior Department's lawyers and with other legal experts. Based on that review, I think enactment of my bill will resolve the legal problems cited by the Interior Department and will enable the program to go forward.

Spring may be nearly upon us, but hot summer temperatures and another winter are just months away. I believe the Energy Policy Act provision to help low-income consumers is an innovative tool that must be allowed to work. The Royalty-in-Kind for Energy Assistance Improvement Act would make this possible. I urge my colleagues to support this legislation and to support energy assistance for this nation's most vulnerable residents.

Here is a brief outline of the bill:

Section One—provides a short title (''Royalty-in-Kind for Energy Assistance Improvement Act of 2006'').

Section Two—sets forth findings regarding the importance of LIHEAP and the intent of the relevant provisions of law regarding payment of royalties-in-kind and the conclusion of the Interior Department that the provision of the 2005 Energy Policy Act intended to allow use of royalties-in-kind to benefit low-income consumers cannot be implemented. This section also states the bill's purpose, which is to amend that part of the Energy Policy Act in order to make it possible for it to be implemented in order to assist low-income people to meet their energy needs.

Section Three—amends the relevant provision (Section 342(j)) of the Energy Policy Act by—

(1) adding explicit authority for the Interior Department to sell royalty-in-kind oil or gas for as little as half its fair market value in implementing that part of the Energy Policy Act under an agreement that the purchaser will be required to provide an appropriate amount of resources to a Federal low-income energy assistance program;

(2) clarifying that such a sale at a discounted price will be deemed to comply with the Anti-deficiency Act; and

(3) authorizing the Interior Department to issue rules and enter into agreements that are considered appropriate in order to implement that part of the Energy Policy Act.

These changes are specifically designed to correct the legal deficiencies that the Interior Department has determined currently make it impossible for it to implement this part of the Energy Policy Act.

H.R. 884—PROMOTING ANTITERRORISM COOPERATION THROUGH TECHNOLOGY AND SCIENCE ACT

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. LANGEVIN. Mr. Speaker, I join my colleagues today in support of H.R. 884, the ''Promoting Antiterrorism Cooperation through Technology and Science Act.''

While touring the northeast United States in 1955, President Eisenhower spoke of the importance of international diplomacy and cooperation to solve the rising problems posed by communism in the Far East. It was Eisenhower who said ''Only strength can cooperate. Weakness can only beg.'' Just as Eisenhower envisioned the role of international cooperation to address the communist threat in the 20th century, so too must we solicit international cooperation to solve the terrorism threat in the 21st century.

The United States must embrace the concept of bilateral cooperation in order to win the war on terrorism, and I believe that this bill is an important step in that direction. H.R. 884 will establish a Science and Technology Homeland Security International Cooperative Programs Office to facilitate international cooperative activities throughout the Directorate of Science and Technology.

This legislation does not seek to duplicate other efforts underway. Rather, it will strengthen ongoing partnerships with homeland security allies such as Israel, the United Kingdom, Canada, Australia, and Singapore, while encouraging new ones. The United States currently participates in similar bilateral programs such as the Binational Industrial Research and Development, or BIRD foundation, in which the United States and Israel cooperate on defense-related R&D. The office would conduct similar activities, but would be run by the Department of Homeland Security rather than a private foundation.

This office within the Department of Homeland Security will foster partnerships with foreign governments and businesses by requiring that the foreign partner equitably match U.S. funding expended through direct funding or funding of complementary activities, or through provision of staff, facilities, material, or equipment.

This country has a proud history of recognizing the value of and promoting international cooperation, particularly in the field of technology. I am pleased to be an original cosponsor of this bipartisan legislation, and encourage my colleagues to support H.R. 884.

RECOGNIZING LINDA HOLBROOK

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished public service of Linda Holbrook. After 35 years with the U.S. Department of the Treasury—Internal Revenue Service, IRS, she will retire.

During her tenure, Linda worked her way from an entry-level data transcriber to her current position for the past 13 years as Territory Manager of the IRS Real Estate and Facilities Management Operations, Fresno Territory. I have had the pleasure of working with Linda, and her dedication to the community is to be commended.

During her time in Facilities Management, Linda guided the acquisition of over 500,000 square feet of space in eight buildings in downtown Fresno, bringing thousands of Federal employees and visitors into our central business district. Her support of the city of Fresno's downtown revitalization effort has been widely recognized and has served as a stellar example of the benefits that can arise from partnership among congressional, Federal Government and local officials. Linda serves as an example to staff throughout the Federal Government of how a local program manager can work closely with local officials to assure that each group's work complements the others in such a way that both are enhanced.

Throughout her career at the IRS, Linda Holbrook has proven to be a highly effective administrator who was always committed to public service. As she gets set to spend more time with her husband, Brent, I wish her continued success and good luck in all her future endeavors.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Vienna Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Vienna Police Department. Receiving the Lifesaving Award: Master Police Officer Trent H. Nelson, Sergeant Jamie L. Smith, Police Officer First Class Jarod B. Evans; the Certificate of Valor: Sergeant Michael R. Reeves, Officer Christopher W. Shaver.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Vienna Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

IN HONOR OF AFLAC, INC. BEING NAMED ONE OF THE BEST COMPANIES IN AMERICA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize and commend a company that has made Columbus, GA, the Second Congressional District of Georgia and the United States proud. Aflac, Inc., a company that epitomizes corporate citizenship and responsibility towards its employees, recently was named by Forbes magazine to their Platinum 400 List of America's Best Big Companies.

To create the list, Forbes looked at more than 1,000 publicly traded companies with at least $1 billion in revenue, and chose 400 based on metrics, earnings forecasts, corporate governance ratings, and other public company information. Of course, Forbes selected these companies not just for their financial performance, but also for their leadership, innovation, and execution.

Founded in downtown Columbus, GA, in 1955 by brothers John, Paul and Bill Amos, the American Family Life Insurance Company ended its first year with 6,426 policyholders and $388,000 in assets. Today, Aflac has over $56 billion in assets and insures 40 million people worldwide. Additionally, Aflac is the number one provider of guaranteed-renewable insurance in the United States.

As it has gained respect around the world, Aflac has been an asset to my district, providing 3,800 employees in our area with good jobs and a positive work environment. In addition to this year's award from Forbes, Aflac has received many others, including being named among Fortune magazine's "Best Places to Work" for 9 years running, as one of the "Best Companies for Diversity" by Black Enterprise magazine, and among the "100 Best Companies for Working Mothers" by Working Mother magazine.

Aflac also makes significant contributions to the community, including a gift of nearly $34 million to the Aflac Cancer Center and Blood Disorders Service at Children's HealthCare in Atlanta.

Indeed, I am proud to have this company in my district. Please join me in congratulating Aflac and its 69,000 U.S.-based agents on receiving this award.

COUNCIL OF KHALISTAN COMMENTS ON PUNJAB ELECTIONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOWNS. Madam Speaker, the Council of Khalistan recently issued a press release on the elections in Punjab and the victory of the Shiromani Akali Dal. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, noted the unfortunate cycle between the Congress party, which was primarily responsible for the genocide against Sikhs, and the Shiromani Akali Dal, which is in coalition with the Hindu nationalist Bharatiya Janata Party (BJP), which is the political arm of the Rashtriya Swayamsewak Singh (RSS), an organization formed in support of the Fascists of Europe which has been responsible for acts of violence against minorities. The RSS also published a booklet on how to implicate minorities such as Sikhs, Christians, and others in false criminal cases. An alternative to these two parties is sorely needed. The Sikh nation needs leaders who are committed to protecting their interests.

As you know, Madam Speaker, former President Bill Clinton, in his foreword to Madeline Albright's book, wrote that 38 Sikhs in Chithisinghpora were murdered while he was visiting by Hindu militants. New York Times reporter Barry Bearak has concluded that the Indian government's forces were responsible. Although the killers dressed as "militants," they spoke to each other in the language of the Indian army. It appears that this is just another of the many incidents where either the Indian military or its paid "Black Cats" paramilitary units have been caught carrying out terrorist incidents in the guise of alleged "militants."

Remember that according to India Today, India's leading news magazine, it was the Indian government itself that created the Liberation Tigers of Tamil Eelam, identified by the U.S. government as a terrorist organization.

Madam Speaker, the essence of democracy is the right to self-determination. It is time for India to end the repression of its minorities and allow them to exercise their basic democratic right to a free and fair vote on the question of independence. This Congress should put itself on record demanding that India do so. Further, we should cut off our aid to India and our trade with that country until full human rights, including the right to self-determatlon, are enjoyed by all the people there.

Madam Speaker, I request permission to place the Council of Khalistan's press release on the Punjab ejections into the RECORD at this time.

[From the Council of Khalistan—Press Release]

AKALI DAL WINS PUNJAB ELECTIONS—MUST PUT INTERESTS OF SIKH NATION FIRST—KHALISTAN IS THE ONLY SOLUTION

WASHINGTON, DC., FEB. 28, 2007.—The Shlromani Akali Dal, under the leadership of Parkash Singh Badal, won the state elections for the Punjab Legislative Assembly, winning 48 of 117 seats to 44 for the Congress party, 19 for the Bharatiya Janata Party, 5 Independents. and one seat still to be elected. Since the Akalls and the BJP are coalition partners, this puts the Akall coalition back in charge with a 67-seat majority. As a reward, the BJP got the position of Deputy Chief Minister.

"It is sad that the people of Punjab are reenacting the cycle of choosing between the Congress Party, which presided over the massacre of Sikhs and the Akalis, whose coalition partner, the BJP, wants to wipe out the Sikhs and all minorities," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Captain Amarinder Singh is to be given credit for doing some pro-Sikh things like cancelling the water agreements that permitted the diversion of Punjab's water to non-riparian states," said Dr. Aulakh. "But he is still trapped by the Congress Party. Badal, who presided over the most corrupt government in Punjab's history, has pledged clean government. He has promised free electricity for Punjab farmers and Rs4 per kilo for wheat flour and Rs20 per kilo for lentils to the poor. Let's see if he keeps his word, Dr. Aulakh said.

"Radal is the head of a Sikh religious and political body. His party controls the Gurdwaras in Punjab. That's where he got the money to buy the alcohol for his election," Dr. Aulakh said. He noted that the BJP, the Akalls' coalition partner, is the political arm of the Rashtriya Swayamsewak Sangh (RSS). a pro-Fascist organization that has worked to eliminate minorities from India. "Is Badal on the side of the Sikhs or the RSS?" Dr. Aulakh asked. He called on the Badal government to get Chandigarh back for Punjab. "Punjab built Chandigarh to be its capital. It properly belongs to us. The government of Punjab should be pressing to get our capital back," he said.

"Remember that the Akalls once called on the Sikh Nation to carry out 'the long struggle to liberate Khalistan,'" Dr. Aulakh said. "These elections show why we must liberate Khalistan from Indian occupation and oppression," said Dr. Aulakh. "That is the only way for Sikhs to protect ourselves from India's brutality. Elections under the Indian constitution will only perpetuate it. The only way that the repression will stop and Sikhs will live in freedom, dignity, and prosperity is to liberate Khalistan," said Dr. Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khallstani, he is not a Sikh.'," Dr. Aulakh said.

After human-rights activist Jaswant Singh Khalra exposed the Indian government's policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated, the police kidnapped him. Khalra was murdered in police custody. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. Rajiv Singh Randhawa, who was the only witness to the Khalra kidnapping, has been repeatedly subjected to police harassment. This includes being arrested for trying to hand a piece of paper to then-British Home Secretary Jack Straw in front of the Golden Temple. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He was never punished for this crime.

In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. A report by the Movement Against State Repression (MASR) quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." The MASR report states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Last year, 35 Sikhs were charged and arrested in Punjab for making speeches in support of Khalistan and raising the Khalistani flag. "How can making speeches and raising a flag be considered crimes in a democratic society?" asked Dr. Aulakh.

India is on the verge of disintegration. Kashmir is about to separate from India. As L.K. Advani said, "If Kashmir goes, India goes." History shows that multinational states such as India are doomed to failure. "Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot liKe those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. There is nothing in common in the culture of a Hindu living in Bengal and one in Tamil Nadu, let alone between them and the minority nations of South Asia," Dr. Aulakh said.

"Freedom is the God-given right of every nation and every human being," said Dr. Aulakh. He noted that the Indian government was already spinning the results. "Their wholly-owned U.S. Congressman, Frank Pallone (D-New Jersey) has already portrayed the elections as a rejection of Khalistan, even though the voters defeated the Congress Party, which is against Khalistan,' Dr. Aulakh said. "Congressman Pallone sounds like he is being compensated by the Indian regime," Dr. Aulakh noted. "Sikhs must be allowed to have a free and fair plebiscite on the issue of Khalistan. In a democracy, you cannot continue to rule against the wishes of the people," he said. "The essence of democracy is the right to self-determination. Currently, there are 17 freedom movements within India's borders. It has 16 official languages. It cannot hold

together for very long,'' he said. ''We hope that India's breakup will be peaceful like Czechoslovakia's, not violent like Yugoslavia's,'' Dr. Aulakh said. ''Earlier this year, Montenegro, which is less than a million people, became a sovereign country and a member of the United Nations,'' he said. ''Now it is the time for the Sikh Nation of Punjab, Khalistan to become independent. We must free Khalistan now.''

TRIBUTE TO THE RIVERDALE VOLUNTEER FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Riverdale Volunteer Fire Department in the borough of Riverdale, Morris County, New Jersey, a vibrant community I am proud to represent. On February 25, 2007, the good citizens of Riverdale will celebrate the Fire Department's 100th anniversary.

The Riverdale Volunteer Fire Department officially began as the Pompton Volunteer Fire Department on February 25, 1907. Twenty-three men from the village of Pompton, New Jersey, and vicinity met at Post's Mercantile Shop on the Hamburg-Paterson Turnpike on January 2, 1907, to begin organizing a local fire department. By the end of February, officers had been elected and the name Pompton Fire Department had been selected.

The Apparatus Committee first purchased three dozen pails and painted them red. Later in 1907, the department approved ''no more than $10'' to build a two-wheeled truck to carry ladders. Located on the Hamburg-Paterson Turnpike, the first firehouse was on land now occupied by the Hale-DuBow Agency building. The village of Pompton became the borough of Riverdale in 1923, but the fire department retained its original name until 1958, when it was changed to the Riverdale Volunteer Fire Department. In the early 1960's the department united with most other borough organizations and moved to the town municipal building. The fire department moved to Post Lane in 1980 and has remained at that site.

The borough of Riverdale joined with nine other Morris County towns in September 1993 to form the Northeastern Morris Mutual Aid Association, NEMMA. NEMMA meets monthly to discuss firematic issues, trade information, and conduct training sessions. Every year one of the towns hosts a large-scale simulated disaster drill.

The borough of Riverdale has grown over the years and since 2000 has seen new multistory condominiums, senior housing, and the completion of a large retail complex, all of which has strained the volunteer fire department. In addition to building and vehicle fires, the firefighters respond to medivac landings, flood evacuations, motor vehicle extrications, and hazmat incidents. Town government and citizen support has enabled the fire department to make necessary equipment purchases, complete additions and renovations to the firehouse, and development a length of service program to help recruit and retain members. For the first time in decades, membership is over 30 firefighters.

Madam Speaker, I urge you and my colleagues to join me in congratulating the borough of Riverdale Volunteer Fire Department and all its firefighters, past and present, on the 100th anniversary of protecting one of New Jersey's finest municipalities.

TRIBUTE TO OREGON'S LAST WORLD WAR I VETERAN MR. HOWARD V. RAMSEY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. HOOLEY. Madam Speaker, I rise today to honor and pay tribute to Oregon's last World War I veteran, Mr. Howard V. Ramsey. On February 22, 2007, our country lost one of our bravest, one of our favorite sons.

Howard V. Ramsey was born in 1898 in Rico, Colorado. As a student at Washington High in Portland, Oregon, Mr. Ramsey enrolled in the Oregon Naval Militia. After a failed attempt to enroll in the United States Army because he was underweight, Mr. Ramsey's perseverance and dedication to serve showed true as he was accepted later that year.

Mr. Ramsey served as an Army corporal in France. Armed with the highly sought-after skill of driving, Mr. Ramsey was charged with providing transportation for officers, providing water for soldiers on the front lines and returning the bodies of soldiers killed in combat.

After completing his service, Mr. Ramsey returned to Portland, Oregon, around 1920 and worked for Hudson-Essex, which later became Hudson Motor Car Company. In 1922 he went to work for Western Electric, which later became AT&T, and retired in 1963 at the age of 65.

I join all Oregonians, and all Americans, in expressing my sincere condolences to the family of Howard V. Ramsey for their loss. Our state, and our nation, is greater because of Mr. Ramsey's presence and we are lessened by his passing.

It is a true honor and privilege to be here today to remember one of the last World War I veterans. Madam Speaker, our country is honored by his service and thankful for all that he gave to ensure our freedom.

''YOU ARE OUR HEROES''

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the fourth grade class at Redeemer Lutheran School in Pensacola, Florida, for their letters of appreciation to our nation's past and present servicemen and women.

Last week when I visited the school, the fourth grade class shared with me a letter project that they have been working on since the start of the school year. Their letters of thanks and admiration are sent to our men and women serving proudly overseas. I would like to take the time and share with you their heartfelt letter.

YOU ARE OUR HEROES

You are the men and women we honor today.
Our heroes are all of you—and we give you our thanks.
United we stand together!
Always on duty in protection of us.
Remembering the bravery of those who have served.
Everyone salutes and thanks you.
Our freedom is because of your sacrifices.
United States of America—you represent our best.
Respect and appreciation is what we have for you.
Helping us to live in a safer world.
Excellence, respect, and discipline is what you are.
Racing around the world to protect our freedom.
Overcoming fear, challenges, and being far from home.
Experiencing hardships to keep our country free.
Supporting you is our duty, and we offer our prayers for your safety.

Madam Speaker, I commend these young folks for their thoughtfulness and patriotism. I hope they continue to be shining examples and wish them all best.

COMMEMORATING THE 46TH ANNIVERSARY OF THE PEACE CORPS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LANTOS. Madam Speaker, I rise today to congratulate the Peace Corps on its 46th anniversary, and commend the agency and its volunteers on the invaluable contribution they have made in promoting America's interests and values around the world since the organization's founding in 1961.

Forty-six years ago, President Kennedy challenged Americans to ''Ask not what your country can do for you, ask what you can do for your country.'' His inspiring words launched the Peace Corps, which President Kennedy officially established by Executive order on March 1, 1961. The response to the President's call for this bold experiment was swift and enthusiastic, with the first volunteers accepting the challenge and leaving for their overseas assignments less than 6 months later.

Each successive generation has answered President Kennedy's call, expanding the Peace Corps' ranks and extending its reach every year. Since its inception, more than 187,000 Peace Corps volunteers have been invited by 139 host countries to work on issues ranging from HIV/AIDS education to information technology and environmental preservation.

This year, more than 7,700 volunteers have fulfilled President Kennedy's vision by living and working alongside people in 73 countries. Today's Peace Corps is more vital than ever, working on emerging and essential areas such as business, community, and youth development, and committing over 1,000 new volunteers as a part of the President's Emergency Plan for AIDS Relief. Peace Corps Volunteers reach over 1.6 million young people every year, working on service-learning projects, teaching them the value of giving back to their own communities.

The Peace Corps has received such extraordinary success because its mission resonates with Americans and with the millions of

people across the globe that it has served. By immersing themselves in local cultures and working side by side with the communities they serve, Peace Corps volunteers have made a positive impact in a very personal way. They work with teachers and parents to improve access to education, with community groups to reach out to at-risk youth, with farmers to develop better farming methods, and with communities and local governments to stop the spread of HIV/AIDS and other infectious diseases.

The Peace Corps' work has made a critical contribution to America's national security. Born during the height of the cold war as a means of preventing the false promise of communism from taking hold in the developing world, it has adapted its mission for the 21st century to embrace all people struggling to survive and take advantage of the new opportunities of our times. Peace Corps is critical in our effort to promote sustainable development, human rights and rule of law, and encourage free markets. Through Peace Corps, people of foreign nations learn that America is a force for peace, justice and prosperity in the world.

The Peace Corps is celebrating its 46th anniversary this week to raise awareness of its good work. I would like to recognize the 13 volunteers from my district who have met President Kennedy's call and are serving valiantly in countries across the globe. I ask my colleagues, Mr. Speaker, to join me in celebrating the Peace Corps' success and wishing it well into the future.

SWORN-IN VOLUNTEERS IN THE 12TH DISTRICT OF CALIFORNIA, REPRESENTATIVE TOM LANTOS

Volunteer name	Country of service	Start of SVC date	Projected COS date
Beasley, Rachel E	Niger	29–Sep–2006	28–Sep–2008
Beitiks, Mikelis V	Ghana	02–Dec–2005	02–Dec–2007
Brownlee, Thomas E	South Africa	13–Oct–2005	06–Oct–2007
Capp, Anna J	Burkina Faso	21–Oct–2005	18–Oct–2007
De Vries, Thomas B	Cape Verde	09–Sep–2005	03–Sep–2007
Farrell, Rachel L	Peru	02–Dec–2005	02–Dec–2007
Finlev, Tessa M	Kenya	05–Aug–2005	03–Aug–2007
Kent, Ashley M	Malawi	15–Dec–2005	11–Dec–2007
Levine, Pamela B	Tanzania	16–Aug–2006	16–May–2008
Meyer, Andrea R	Zambia	14–Aug–2006	09–Aug–2008
Moutsos, Thomas S	Philippines	01–Jun–2006	06–Jun–2008
Tang, Natalie M	Madagascar	06–Dec–2005	11–Dec–2007
Wandro, Joshua D	Azerbaijan	05–Aug–2005	04–Aug–2007
Total volunteers: 13			

SPIRIT OF SOUTH CAROLINA LAUNCHES HOPE FOR STUDENTS

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BROWN of South Carolina. Madam Speaker, on Sunday, March 4, 2007, an important event will take place in Charleston, SC. The South Carolina Maritime Heritage Foundation will be launching its tall ship, the *Spirit of South Carolina*.

The *Spirit of South Carolina* a few years ago was nothing more than a footnote in the South Carolina history books. "The residents of Charleston and South Carolina are reconnecting with a bygone era, and in so doing, they intend to address crucial issues in education. In a city known for historic preservation, this initiative isn't about buildings; this time it involves a ship—the *Spirit of South Carolina*. When the newly built, 140-foot traditional sailing vessel finally splashes down on Sunday, March 4, it will offer a unique portal into the region's history, but it will also present a window of opportunity for tackling some vexing problems facing the State's school systems.

Almost 6 years in the making, this elegant, robust vessel—envisioned originally as a means of rekindling interest in the region's rich maritime heritage—will become the first genuine wooden sailing ship to be built here in more than 100 years. Where once there were hundreds of such ships, and many shipyards, now there is just one to call this region home, but it's a ship worth the wait.

The 150-ton *Spirit of South Carolina* has been designed and built along the lines of the traditional pilot schooners that served as a vital component of the region's busy mercantile scene in the 18th and 19th centuries. Like its forerunners, this ship has been built with traditional methods, including lumber grown in South Carolina, and this ship will also have a crucial function—serving to deepen and enhance the education of young students from around the State.

The *Spirit of South Carolina* will serve as an ambassador for our community and for the State of South Carolina. She is a beautiful, fast, world-class schooner, which will represent the history and culture of the Palmetto State in port cities around the world. Wherever she sails, the *Spirit of South Carolina* and her crew will serve as South Carolina's goodwill ambassadors.

Thanks to the hard work and dedication of folks like Chairman John "Hank" Hofford, Mayor Joe Riley, Pierre Manigault, R.E. "Teddy" Turner, Jr., Brad and Meaghan Van Liew, Captain Anthony Arrow and many more, the *Spirit of South Carolina* is now a reality.

RECOGNIZING CHRISTOPHER BLAKE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Blake, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community,

Madam Speaker, I proudly ask you to join me in commending Christopher Blake for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Fairfax County Police Department. Receiving the Lifesaving Award: Mr. Khalid S. Sheikh; the Certificate of Valor: Sergeant Michael O. Barbazette, Detective Anthony D. Erway, Police Officer First Class Brian A. Gaydos, Detective John P. Keating, Second Lieutenant Christopher C. Cochrane, Police Officer First Class John S. Turner Jr., Police Officer First Class Eric M. Hillebrand, Police Officer First Class Darrell D. Estess; the Gold Medal: Master Police Officer Michael E. Garbarino, Detective Vicky O. Armel, Officer Richard A. Lehr Jr.; the Silver Medal: Master Police Officer Mark P. Dale, Detective Jeffrey W. Andrea, Master Police Officer William C. Horn, Second Lieutenant Boyd F. Thompson Jr.; the Bronze Medal: Police Officer First Class Westley S. Bevan, Lieutenant Stephen J. Thompson, Second Lieutenant Craig C. Copeland, Detective Steven L. Carroll, Police Officer First Class Daniel L. Horton, Master Police Officer Jeffrey K. Rockenbaugh, Master Police Officer Robert D. Patterson, Police Officer First Class James H. Urie, Police Officer First Class Ivan J. Roeske, Public Safety Communicator III Lisa A. Smith, Lieutenant Joseph R. Hill, Police Officer First Class Christopher R. Keaveny, Police Officer First Class David M. Popik, Sergeant Mark J. Smith, Sergeant John G. Sterling, Police Officer First Class Michael A. Wheeler.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

SIKH EDITOR WRITES TO PRESIDENT BUSH, URGES SUPPORT FOR SIKH FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOWNS. Madam Speaker, recently, Dr. Awatar Singh Sekhon, Managing Editor of the

International Journal of Sikh Affairs, wrote to President Bush about the dangerous situation in India, where democratic rights for minorities are under continuing threat. He also published the letter in his magazine.

Dr. Sekhon noted that the interests of the United States and its allies, such as Canada, are likely to be damaged by continuing close cooperation with India. As he observed, although India proudly portrays itself as ''the world's largest democracy,'' it is a country where, as he writes, ''democracy has been used to deny freedom, national and human rights, and basic human dignity to the majority.'' That majority includes Christians, Sikhs, Muslims, Dalits, and other minorities.

He notes that in India, the Brahmin class, which is 15 percent of the population, uses the most brutal oppression to suppress and rule the minorities. The caste system is still rigorously enforced, despite being made illegal in 1950. It is used to keep the people down, backed by violent repression. He notes that in 1948, the Indian government promised the people of Kashmir a plebiscite on their status. Punjab was promised sovereignty at the time of Indian independence. Those promises have not been kept and any effort to claim what was promised has been met with brutality that has resulted in the murders of over 250,000 Sikhs, over 300,000 Christian Nagas, over 90,000 Kashmiri Muslims, Muslims and Christians elsewhere in the country, and tens of thousands of other minorities. Yet our policymakers insist on treating India both as a democratic country and as an ally, despite its longstanding and still current friendship with Russia, as well as its coziness with the mullahs of Iran, to whom it has sold heavy water and other components.

Dr. Sekhon cites the attack on the Golden Temple as another example of India's effort to eliminate the minorities and subsume them into a Hindu state.

Madam Speaker, I call on all my colleagues, especially those who are promoters of India, to read this devastating letter. It is quite damaging to India and it is right on target. It will give you essential information on the lack of basic liberties in that country.

We can makce a difference, Madam Speaker. Instead of cozying up to India and trying to cut deals with them in the name of stability, it is time to stop our aid and our trade to pressure India to allow all its people to enjoy basic human rights. And it is time to put the U.S. Congress on record in support of self-determination for all the peoples and nations of the subcontinent through a free and fair plebiscite on their status. Isn't that the fair and responsible way to handle questions like this? Isn't that the way democracies do it? Why is India afraid of real democracy?

Madam Speaker, I would like to insert Dr. Sekhon's excellent letter into the RECORD. Again, I urge eveyone to read it. It will prove very informative.

INTERNATIONAL JOURNAL OF SIKH AFFAIRS,
January 24, 2007.

Hon. GEORGE W. BUSH,
President, United States of America,
The White House, Washington, DC.

SOUTH ASIA: INTERESTS, PERMANENT ALLIES, WORLD PEACE AND THE ROLE OF THE UNITED STATES IN THE REGION

I am a citizen of Canada and a member of the Canadian Sikh community. I retired from service in public health as a microbiologist, research scientist, administrator and academic a few years ago. I am now active in work for human rights. These rights are not peculiar to a people or country; they protect the entire human race. I am expressing below my concerns over the likelihood of damage to long-term interests of the United States of America, its allies, the NATO forces, Canada in particular. The pain of sufferings families of North America, in Europe, the Middle East and South Asia is hard to ignore. The irony is that the more the U.S. tried to ameliorate conditions, the worse they have become.

The people of North America know very well the objectives of the United States (U.S.) and the hurdles faced in leading the world during much of the 20th and in the current 21st centuries. The people of the U.S. and their elected leaders have devoted a lot of time, money and precious resources in manpower and management for the good of the mankind to make the world better and safer. Despite all the good intentions of the democratic world it has been struggling to find a basis for lasting world peace. I believe that the long-term interests of the United States and the world at large are complementary. The U.S. leadership is good for the world. Yet, increasingly fewer people believe that to be true. Is there anything amiss?

I firmly believe that the United States and its allies eagerly want to prevent the sufferings of friendly peoples whose governments they have influence over. While we find the stern hand of the U.S. military operating against enemies, there is little effort to impose the same principles of human freedom and dignity on ''friends''. Much of South Asia is democratic; India boasts of being the largest democracy in the world. Yet it is in India—more than anywhere else—where democracy has been used to deny freedom, national and human rights, and basic human dignity to the majority. As the Hon. Dana Rohrabacher, (R-Cal) had said as far as the minorities (the Sikhs, Muslims in general, Muslims of the Internationally Disputed Areas of Jammu and Kashmir, Christians, Dalits, Adivasasis or the indigenous native people, and other non-Hindu, non-Brahmin) are concerned, India is a Nazi Germany for them (Tim Phares 2006 Int J Sikh Affairs 16(1),40–42 ISSN 1481–5435).

Congressman ROHRABACHER's assessment is accurate and well justified; it can be the focal point of a new beginning with India. The question is: how could a country, which is the world's largest democracy, sustain caste apartheid and pogroms against minorities without facing recrimination? It is done by mis-definition and misrepresentation the world is too busy to try and unravel. India is not a nation and has not even tried to become a nation during the 60 years that it has been ''free''. It has relied entirely on brute military force to crush any people that demanded its rights. The fact is the Muslims are a majority in Jammu and Kashmir, the Sikhs are a majority in the Punjab and Hill tribes of Assam are mostly Christian. The People of Jammu and Kashmir were promised a plebiscite that was endorsed by the United Nations. The Sikhs were promised their separate state Khalistan by the Congress leaders in exchange for rejecting Pakistan's offer of the same. The Tribal peoples of Assam were also promised ''freedom'' if they sided with the Congress Party against the British. Now that these peoples demand what was promised, India has unleashed the most diabolical genocide and an international campaign to demonize their stuggle. The British Raj lasted as long as it did because it was founded on recognition of India as multiple nations. How can a country call itself a democracy when it discards its very foundation—the right of national self-determination?

India aspires for its leaders—M.K. Ghandi and J.L. Nehru—to be recognized with other great leaders of the democratic world like George Washington, Franklin D Roosevelt, Abraham Lincoln, J.F. Kennedy, Jimmy Carter, and William Jefferson Clinton. But it cannot even begin to secure that position until it can show that they stood up for the oppressed within the country and without. India has invaded each one its neighbours, overtly or covertly; if it gave in to any demand, it sought to hurt twice as much elsewhere. The Untouchables or Dalits—who are a majority in several states of India and constitute 65 % of its population—were promised ''reservation'' of seats in the parliament, in education and jobs. Even after 60 years, it is still denied to backward castes and to Muslims. India uses ''democracy'' as means to fudge issues and deny rights by never ending arguments in circles. That is the experience of the people in the country and neighbours who live in dread of roads being closed or rivers being diverted.

The devious policies and broken promises is the hallmark of India today. The Sikhs have been the worst victims. They founded the first secular and sovereign state in South Asia by Sikh monarch Ranjit Singh in 1799 that was ''annexed'' by treaty to the British Empire on 14th March, 1849. In June 1984, the Darbar Sahib Complex which includes the Supreme Seat of Sikh Polity, The Akal Takht Sahib, Amritsar (mistakenly known as Golden Temple of Amritsar), which is the Vatican of the Sikh faith, was assaulted by the Indian Army killing 20,000 devotees who were inside the temple and their leader Sant Jarnail Singh Bhindranwale was martyred. When the Sikh guards of Prime Minister Indira Gandhi avenged the assault assassinating her, the worst pogrom was unleashed upon the Sikhs all over India that resulted in 250,000 Sikhs—mostly young men and their families—who were mercilessly killed, Indian diplomats talk about the tradition of non-violence in India of which Mahatma Gandhi is considered to be a universal symbol. But the truth is that India is violent but only to the weak; when confronted with strong and powerful the Brahmin response is obsequious folding of hands. This manner of greeting appears to be show of humillty. But it is actually a statement that the person being greeted is of low birth and is untouchable.

On 15th of August 1947, the British handed over political power to the ''unelected'' Hindu leadership. But the Hindus/Brahmins (neither a religion nor a culture) were only 15 % of the population; how could they be the successors of the British Empire in India. Once installed in power, they have relied on a combination of hate (for people of foreign faiths or of low birth), guile and stratagem far mor complex than any Machiavelli. The record of their rule over India speaks eloquently how Hindus/Brahmins have been master-mind in persecution of faith minorities and the low caste majority of native peoples who are deemed to be inferior by birth in their unique faith. Through Article 25 of the Indian Constitution 1950, the Sikh, the Buddhists and Jains and all the Untouchables, all of who are victims of oppression and apartheid, are denied their separate identity and deemed to be Hindus. The Sikh faith founded by Guru Nanak Sahib was a rebellion to reject the caste ''apartheid'' enforced by the Hindus of Brahmin caste. The irony is that when freedom came, the Sikhs were declared to be Hindus (long haired Hindus) albeit of the renegade variety, against the teachings of its founder, Guru Nanak Sahib, and the Sikhs' Holy Scripture, Adi Guru Granth Sahib. It is difficult to portray

the anger, revulsion and frustration felt by the Sikhs in this unwelcome embrace of Hinduism (which is neither a religion nor a culture according to the verdict of Punjab and Haryana High Court, 1984). Brahmin rule in post-15th August, 1947, India has interest only in maintaining the apartheid system; its objective is the prosperity of urban dwelling upper castes—the so called 200 million middle class.

Suave Indian diplomats routinely underlines that the USA and India are natural allies. Even American politicians and diplomats have started to harp on the same theme. It is time, this was questioned. What makes them natural allies? During the years of the Cold War, India was the friend of The Soviet Union, not of America. Why? It is because both were internally and internationlly imperialist. Now, India needs an imperial patron to underpin its own imperious. It needs the U.S. Is that the role the USA sees for itself in the world? As supporter of local imperialists? Surely the power and prestige of the USA is such that it must aim higher: obtain lasting universal peace and harmony; amity between faiths; unfettered democracy; free trade. Tied to apron strings of India, the USA is bound to drift into petty machinations to deny freedom to some and equality to all. lndia's imperialism is founded on delaying tactics and betrayal. All the problems in the South Asian region are product of Brahmin spin or stratagem. The media makes wild forecasts of India of the future. It is supposed to be a huge market for consumer goods. Whose? Peoples' Republic of China?

Some people have become very rich in India. Diaspora Indians are clever and are also becoming rich. But for the majority, India is a hellhole and will always remain so. Caste based India has structural, infrastructual and social problems that it cannot overcome until it abandons its ''poverty imperialism''. However, India is country of 1.1 billion people who deserve better. If India allowed the right of self-determination to the Sikhs, to the peoples of Jammu and Kashmir and Assam, it would still be the second largest country with population more than all of Europe. However, it would no longer need to maintain hostility with neighbouring states and would be in a position to remove strife, tension and hate from its social scene. India must give the native peoples their national rights and create autonomous states of India that would facilitate a compact of states within each the interplay of diverse ethnic and caste interests would create grass root harmony.

For the United States to articulate its interests in far off lands and develop mechanisms to secure those interests, its diplomats and politicians have to be conversant with the history and customs of those lands. Historically, the Sikhs of Punjab and the people of Afghanistan have never been ''subservient'' to any foreign ruler. That was true in the 19th Century as it is today. There are nearly 20 nations within the ''Indian union'', which are struggling to regain their lost sovereignty and independence ever since the British Indian Empire was hurriedly partitioned in 1947. The end of the British Empire marked the end of the imperial era in the whole world. India's efforts to build and expand its empire are the biggest threat to peace and stability of Asia. Consider Mr. President, if 20 or so nations, including the Sikhs of Punjab, Christians of Nagaland, the tribal people of Assam and Manipur, the south Indian states most notably Tamil Nadu, were to become ''sovereign'' states, what a huge change for the better it would be for the region and the world. That is the only way to replace the polity of hate and oppression with polities of peace and harmony underpinned by secure undefended borders. Large is not fashionable; not just for women.

I hope I have given some points to ponder. The USA can lead the world with a global vision. There are not many regions where so much is old and archaic ready to crumble and hit dust. Many Americans are fond of India but they do not know why? The present rulers of India would like your help in building their empire. But that is not the best interest of the people of India. India is one country that needs benign intervention to dismantle the social and political structures to be replaced by structures founded on national self-determination. That would be good for business; that would be good for world peace; that is the calling of greatness.

Best wishes and warmest regards.

Sincerely,

AWATAR SINGH SEKHON,

Ph.D, FlBA, RM (CCM), Associate Professor (Retired), Medical Microbiology and Immunology; Director (Former), National Centre for Human Mycotic Diseases Canada; Managing Editor and Acting Editor in Chief.

TRIBUTE TO ROBERT L. PITTS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. DOYLE. Madam Speaker, I rise today to pay tribute to Robert L. Pitts, a champion of civil rights, integration, respectful dialogue, and nonviolence in southwestern Pennsylvania, Tomorrow night, the Allegheny County/City of Pittsburgh League of Minority Voters will honor Mr. Pitts for his many contributions to our community.

Like the rest of our country, Pittsburgh and southwestern Pennsylvania have struggled long and hard with what has been aptly described as our country's original sin—slavery, and all of the racism, disclimination, segregation, and violence that have stemmed from it.

I'm pleased to say that a great deal of much-needed progress has been made in the last 50 years—and much of the credit for that progress belongs to civil rights leaders like Robert Pitts. Our region is truly fortunate that this great civic leader has chosen to make Pittsburgh his home for the last 30–odd years.

Despite family misfortune and a difficult childhood, Mr. Pitts has made many contributions to southwestern Pennsylvania, and our Nation, in his many different occupations and activities over the last 60 years. He served his Nation in the Air Force and its predecessor, the Army Air Corps, for 20 years. He worked to end racism in the Catholic Church for the Diocese of Pittsburgh for nearly 10 years. He worked to promote equal employment opportunities in Pittsburgh as Administrator of the Agency of Western Pennsylvania and as Chair of the Pittsburgh NAACP's Labor and Industry Committee. He served as an elected public official—and notably as the first African-American mayor in western Pennsylvania. He ran his own business and worked as a private sector consultant for a number of years. He has given generously of his time as a volunteer on a number of local boards and organizations. And, finally, he has been a friend, mentor, and advisor to countless men, women, and children throughout his life. In short, he's been a dynamic force for good and an influential community leader for his entire, blessedly long and productive life.

On behalf of the people of Pennsylvania's 14th Congressional District, I want to commend Mr. Pitts and thank his family for sharing him with us.

INTRODUCTION OF THE DISTRICT OF COLUMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. NORTON. Madam Speaker, today I introduce the District of Columbia District Attorney Establishment Act of 2007, continuing a series of bills that I will introduce this session to ensure a continuation of the process of transition to full democracy and self-government for the residents of the District of Columbia. This bill is the ninth in our "Free and Equal DC" series of bills to eliminate anti-Home Rule legislation and to remedy obsolete or inappropriate congressional intervention into the local affairs of the District of Columbia or denials of federal benefits or recognition routinely granted to other jurisdictions.

This bill will establish an Office of District Attorney for the District of Columbia, to be headed by a District Attorney elected by DC residents. This bill effectuates a November 2002 referendum where DC voters overwhelmingly (82 percent) approved a locally elected D.A.

This important legislation is designed to put the District of Columbia on par with every other local jurisdiction in the country by allowing DC residents to elect an independent District Attorney to prosecute local criminal and civil matters now handled by the U.S. Attorney, a federal official. Instead the new District Attorney would become the city's chief legal officer. As presently constituted, the U.S. Attorney's office in the District is the largest in the country only because it serves mainly as the local city prosecutor. That office needs to be freed up to do security and other federal work particularly in the post 9–11 Nation's capital.

There is no issue of greater importance to our citizens and no issue on which residents have less say here than the prosecution of local crimes. A U.S. Attorney has no business in the local criminal affairs of local jurisdictions. No other citizens in the United States are treated so unfairly on an issue of such major importance. This bill would simply make the D.A. accountable to the people who elect him or her as elsewhere in the country.

In addition to issues of democracy and self government, such as congressional voting rights and legislative and budget autonomy that District residents are entitled to as American citizens, residents are determined to achieve each and every other element of home rule. Amending the Home Rule Act with a local D.A. provision would be an important development toward our goal of achieving true self-government. I urge my colleagues to support this important measure.

CROSS PARTY LINES TO PASS COMPREHENSIVE IMMIGRATION REFORM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. GIFFORDS. Madam Speaker, I rise today to express a measured degree of optimism that Congress will pass a comprehensive immigration reform package this year.

A Senate bill is likely to be unveiled as early as next week, and I would hope that the House will follow soon after with our version.

To be effective, this legislation must include provisions for increased border security, more support for border patrol agents, sanctions for employers that knowingly hire illegal immigrants, compensation for border communities, and a guest worker program.

In my district in Southern Arizona, the need for reform is critical. In 2006, 4,000 illegal immigrants a day crossed the border into Arizona. Our schools, hospitals, and law enforcement agencies are overwhelmed. Our environment and homeland security are threatened.

We must work across party lines to pass comprehensive immigration reform so we can focus our attention on those crossing the border who wish to do America harm: drug smugglers, human smugglers, and terrorists.

I also want to thank the outgoing chief of the Tucson sector border patrol, Michael Nicley, for his service and hard work. All of us in Southern Arizona appreciate his dedication. I welcome Robert Gilbert as the new chief, and I look forward to working closely with him on this important issue.

TRIBUTE TO DALETTA ANDREAS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. SMITH of Texas. Madam Speaker, I rise today to honor Daletta Andreas, executive director of the Hill Country Chapter in Kerrville, TX, who passed away the weekend of February 24 following a brief illness.

Ms. Andreas started working for the Hill Country Chapter in 1989 when the chapter was located in an old two-story house owned by the H.E.B. Foundation and leased for $1 a year. At the time she was the only chapter employee.

Under her guidance and efforts, the chapter became more active in the community and surrounding areas. Today, it serves seven counties and has three full-time staff members.

Ms. Andreas recruited a large and supportive group of volunteers from Kerrville and surrounding counties. She established a very good rapport with many organizations, such as fire and police departments and the sheriff offices.

Through her fundraising efforts the Hill Country Chapter was able to obtain and purchase its own building. In 2001, Hill Country Chapter also was able to purchase its own mobile feeding unit or ERV, which can provide meals to disaster affected residents. During the aftermath of Rita and Katrina, the chapter fed many refugees from Louisiana and south Texas.

Ms. Andreas worked hard for the job she truly loved, that of advancing the Red Cross mission. I want to recognize and honor her for the work she did that will continue to benefit the community and its citizens for years to come.

RECOGNIZING EVANSVILLE MATER DEI WRESTLING TEAM

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize Coach Mike Goebel and the Evansville Mater Dei wrestling team for winning their second consecutive Indiana high school State championship. This is the twelfth title for Goebel as head coach of Mater Dei, an Indiana record. The Wildcats completed their undefeated season on February 24 by mauling the second-ranked Mishawaka Cavemen, 31–18.

Mater Dei took an early lead when junior Stephen Lovelace recorded a pin in the 160-pound class. After Mishawaka cut the Wildcat lead to 15–12, 125-pound sophomore Zeke Zenthoefer responded by pinning his opponent to open a 25–12 advantage. Senior Nick DeWig, the individual State runner-up in the 145-pound class, insured Mater Dei's victory with a 13–5 decision that pushed the lead to an insurmountable 10 points. Wildcat senior Chris DeWitt sealed the win with a 9–5 decision in the final match. Other winners for the Wildcats were Ben Fleming, Zach Goebel, Cody Moll, and Jerry Parkinson.

This championship is the culmination of years of hard work by these young men under the leadership of Coach Goebel. I commend the Evansville Mater Dei wrestling team for all of their success.

Go Wildcats.

RECOGNIZING SPC. RYAN C. GARBS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the life of Army Specialist Ryan C. Garbs who was recently killed in action in Afghanistan while conducting operations in support of Operation Enduring Freedom.

Spc. Garbs was a 20-year-old native of Edwardsville, Illinois who was assigned to B Company, 3rd Battalion, 75th Ranger Regiment out of Fort Benning, Gerogia. He was a 2005 graduate from Edwardsville High School, Edwardsville, Illinois. Around his sophomore year, Garbs knew he wanted to be an Army Ranger and he spent the last 2 years at Edwardsville High School rigorously training to meet the requirements of becoming a Ranger.

Garbs is survived by his parents, Doug and Jill Garbs of Edwardsville, Illinois and his sister; Melanie Neely of Fairfield, California. I am proud of the service this young man gave to our country and the service his fellow troops perform every day. Not enough can be said about Spc. Garbs. His awards and decorations speak to what a great soldier and man he was; the Army Service Ribbon, Combat Infantry Badge, Parachutist Badge and Good Conduct Badge, just to name a few. Like all Rangers, Garbs lived by the Ranger Creed. As the Creed states: "Never shall I fail my comrades, I will always keep myself mentally alert, physically strong, and morally straight and I will shoulder more than my share of the task, whatever it may be, one hundred percent and then some." It is troops like Garbs that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. He shouldered as much as anyone could, and I salute him. My best wishes go out to his family and all the troops fighting to ensure freedom and democracy. May God bless him and may God continue to bless America.

INTRODUCTION OF THE PUSH POLL DISCLOSURE ACT OF 2007

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PETRI. Madam Speaker, today, along with six of my colleagues, I am introducing legislation to increase the disclosure requirements for telephone "push polls." As many candidates for Federal office have learned through personal experience, these push polls are not legitimate telephone surveys, but "smear polls," campaign devices designed to smear a candidate under the guise of a standard opinion poll.

Legitimate polls are designed to gather information helping candidates to focus their campaigns and refine their messages. Smear polls, on the other hand, are intended to spread information damaging the reputation of one's opponent without public debate or discussion.

Imagine a voter, who has been identified as a supporter of candidate X, being asked in a survey if such support would continue if it was learned that candidate X was guilty of a terrible indiscretion or an outright crime. It doesn't matter whether the allegations are true because the idea that candidate X is somehow unfit for office has been planted successfully. This is a telephone "smear" poll.

My legislation, the Push Poll Disclosure Act of 2007, combats this practice by exposing it to the light of day. Specifically, the bill requires that each participant in a Federal election poll be told the identity of the survey's sponsor whenever at least 1,200 households are included. It also requires further disclosures when a survey's results are not to be released to the public. In this case, the cost of the poll and the sources of its funding must be reported to the Federal Election Commission, along with a count of the households contacted and a transcript of the questions asked.

The Push Poll Disclosure Act of 2007 is a simple bill. It will not hinder legitimate polling, nor will it burden polling firms with excessive regulations. What this bill does do, however, is regulate smear polls for what they are—campaign activities, and questionable ones at that. This legislation is noncontroversial and should be bipartisan, and its passage will make campaigns for Federal office a little bit cleaner. I urge my colleagues to support this bill.

NATIONAL EATING DISORDERS AWARENESS WEEK

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. KENNEDY. Madam Speaker, I would like to take this opportunity to recognize National Eating Disorders Awareness Week. While we know that millions of people are affected by eating disorders, which include anorexia nervosa, bulimia nervosa, and binge eating disorder, the exact number is unknown because there is no accurate data collection of these diseases. It is time to take action on eating disorders, a mental and physical health issue that has had little public support and is often misrepresented in popular media.

Each year, hundreds of Americans die as a direct result of an eating disorder, which has the highest mortality rate of any mental illness. Several thousand more have eating disorder symptoms listed as contributing conditions to their deaths. For those who live with the condition, eating disorders frequently impair the sufferer's home, work, personal, and social life. Health consequences such as osteoporosis (brittle bones), gastrointestinal complications and dental problems are significant health and financial burdens throughout life. At any given time, 10 percent or more of late adolescent and adult women report symptoms of eating disorders.

Just last month, a nationally representative survey of the U.S. population, funded in part by the National Institute of Mental Health, reported that eating disorders often occur with other mental health disorders, yet eating disorders may go undiagnosed and untreated. The researchers, therapists, and families of the Eating Disorders Coalition are working to advance the Federal recognition of eating disorders as a public health priority. I applaud the efforts of the National Eating Disorders Association to call attention to these important issues during National Eating Disorders Awareness Week, February 25 to March 3, 2007.

CLAUDE RAMSEY POST OFFICE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. WAMP. Madam Speaker, today I am introducing legislation to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the ''Claude Ramsey Post Office.'' This legislation would rename the city of Harrison Post Office after one of Hamilton County's most notable leaders, Mayor Claude Ramsey.

As he serves out his third term as County Mayor, Claude Ramsey continues to set a high standard as a dedicated manager and leader in the community. Prior to his term as County Mayor, he was the Assessor of Property, served on the Hamilton County Board of Commissioners, and was a member of the Tennessee State Legislature. Claude Ramsey's career as a public servant exemplifies diligence, hard work, and tremendous results for the people of Hamilton County.

During his tenure, Mayor Ramsey fought to strengthen public education in Hamilton County. He recently rallied the community to participate in an education summit to create solid initiatives to address the issues and challenges facing the public education system. Mayor Ramsey created six task forces and presented their findings and recommendations to the community. He then organized the introduction of eight key initiatives, including early education programs and a greater supply of laptop computers, to strengthen the public education system and increase graduation rates of students.

In addition, Mayor Ramsey has been a true leader in promoting economic development in Hamilton County. Mayor Ramsey's vision of creating more technology-based jobs in Hamilton County has shown strong results. His administration has secured Federal funding for the development of the Center for Entrepreneurial Growth, which provides local entrepreneurs assistance in developing new advanced-technology companies. Mayor Ramsey also secured over $2.8 million in grant funds for local businesses, which have helped create over 2,000 jobs, and played a vital role in the transfer of the 1200-acre Enterprise South Industrial Park property from the U.S. Army.

For his dedicated service and results, Mayor Ramsey was named ''Chattanooga Area Manager of the Year'' in 2003, which is the largest local awards program in the Nation.

Mayor Ramsey also has contributed to the community by serving on the boards of numerous agencies, including the Orange Grove Center, the Chattanooga Neighborhood Enterprise, the RiverCity Company, and the United Way. Claude Ramsey also served on the Board of Trustees at Erlanger Medical Center and was Chairman of the Board of Associates at Chattanooga State Technical Community College.

Most importantly, Claude Ramsey is a loving husband to his wife, Jan; a proud father to his son, Rich, and his daughter, Stacy; and a blessed grandfather to his grandchildren Madison, Meredith, Macy, John Ross, and Claudia.

Madam Speaker, I urge all Members to support the passage of this legislation that honors Mayor Claude Ramsey for his commendable public service to the people of Hamilton County and the State of Tennessee.

THE PORT OF GALVESTON: A SOURCE OF ECONOMIC GROWTH FOR TEXAS AND THE NATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PAUL. Madam Speaker, in recognition of the benefits the Port of Galveston provides to Galveston, and the Nation, the Galveston Chamber of Commerce will honor the port on March 7. I am pleased to join my friends from the Galveston Chamber of Commerce in paying tribute to the Port of Galveston.

For the past 5 years, the Port of Galveston has been undergoing major transformations. In fact, port officials believe there have been more changes at the port during this period than in any other 5 years in the port's history. As a result of these changes, in the 2006 fiscal year the Port of Galveston had its highest gross operating revenue in 23 years.

The cruise industry is the largest source of port-related economic growth for both the city of Galveston and the State of Texas. In 2006, the Galveston-based cruise business helped support 13,272 cruise industry jobs in Texas that paid more than $599 million in wages. Approximately 46 percent of the industry's direct expenditures were based in tourism-related businesses like travel agencies, airlines, hotels, restaurants, and ground transportation providers. Other Texas industries that benefit from the cruise business's expansion are petroleum refining, communications and navigation equipment, and engines and power transmission equipment manufacturing.

The increase in cruise-related income has presented the Port of Galveston with the challenge of ensuring the port is capable of continuing to meet the needs of the cruise business. The Port of Galveston's management is committed to ensuring the port continues to grow and change to meet the demands of the port's expanding cruise and other businesses. Since 2000, approximately $45 million has been invested in the port's cruise facilities. It is expected that revenues from cruise operations will give the port an opportunity to move forward and leverage earlier financing to provide for additional maintenance, repair, and capital construction in the port.

Madam Speaker, the Port of Galveston's contribution to the Texas and United States economies is by no means limited to the cruise business. The port also plays a vital role in the global economy by facilitating trade with Mexico, Guatemala, Panama, Germany, China, Israel, Italy, and other countries.

In conclusion, Madam Speaker, I am pleased to join the Galveston Chamber of Commerce in honoring the management of the Port of Galveston for all of their contributions to the economies of Galveston, Texas, and the world.

A TRIBUTE TO THE BEREAN INSTITUTE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, the Berean Institute's long and esteemed history began with the vision of one man, Reverend Matthew Anderson. Reverend Anderson began his work at the Gloucester Mission in North Philadelphia in 1879. In 1880, the Berean Presbyterian Church was founded, from a hall meeting room on Fairmount Avenue, with no funds, but with an abundance of unshaken trust in God. In 1888, he founded the Berean Building and Loan Association. Later renamed the Berean Savings and Loan Association, it enabled African Americans to borrow money to buy homes. With the migration of many African Americans coming from the south that needed special training, Rev. Anderson founded Berean Mutual Training and Industrial School.

In 1899, Rev. Anderson was able to gain support to found a school for the economically disenfranchised. In 1904, the Commonwealth of Pennsylvania incorporated Berean Manual and Industrial School, a corporate charter. In the early years, Berean offered training in plumbing, custom and merchant tailoring,

dressmaking, carpentry and home management. Today, the Berean Institute which still resides on the same grounds as the original complex conducts programs in such areas as accounting, computer repair, and cosmetology for over 100 full-time and part-time students.

The Berean Institute is regarded as one of the leading business schools in Philadelphia and serves a broad-cross section of students that come from local as well as distant places to learn. Rev. Anderson was succeeded by his widow Mrs. Blanche W. Still Anderson, followed by Ms. Louise B. Yergan, Mr. Jeffery O. Jones, Mr. Charles Preston, Ms. Lucille P. Blondin, and by the Berean Institute's current president, Mr. Andrew Carn. The leadership reins have also been shared by the board of trustees. The Berean Institute experienced considerable growth under former chairman Dr. William H. Gray. Dr. Gray was succeeded by Dr. Robert Johnson-Smith, Dr. Leonard W. Johnson, and Berean's current chairperson Kim Staudt. Under its exceptional leadership, the Berean Institute continues its service and diverse programs that provide education and training for many students who would be otherwise left out.

The Berean Institute celebrated its 108th year of service on Friday, February 23, and looks forward to the future to continue the vision and service of Reverend Matthew Anderson.

HONORING BRIAN BOHLMAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. WILSON of South Carolina. Madam Speaker, I am pleased that yesterday a resident of South Carolina's Second Congressional District, Brian Bohlman of Columbia, had the honor of meeting with President George W. Bush at the White House. Chaplain Bohlman was 1 of 11 leaders of military service organizations with whom the President met.

Chaplain Bohlman is founder and president of Operation Thank You and the So Help Me God Project. The mission of these organizations is to inspire faith, promote patriotism, and support our troops through inspirational and patriotic resources honoring God, Country, and family. Specifically, the Operation Thank You Project is working to have 150,000 cards signed for our troops.

Chaplain Bohlman has served in the U.S. Armed Forces since 1992 and is currently a chaplain in the Air National Guard. He also authored the best-selling book, So Help Me God: A Reflection on the Military Oath. It is an honor to represent this true American hero. He is making a positive difference encouraging and supporting our troops.

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

RECOGNIZING MIKE KEMNA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mike Kemna, Superintendent of Crossroads Correctional Center, in Cameron Missouri. On March 30, 2007, Crossroads Correctional Center will reach its 10 year anniversary of the opening of the institution.

Crossroads Correctional Center (CRCC) is a maximum security (C–5) male facility located adjacent to the Western Missouri Correctional Center in Cameron. Since its opening Mike has provided leadership and stability to all employees while overseeing 1,500 inmates.

Madam Speaker, I proudly ask you to join me in recognizing Mike Kemna, an exceptional leader of Crossroads Correctional Center, as we honor his dedication, strength and devotion to the Department of Corrections throughout his long career.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Fire and Rescue Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Fairfax County Fire and Rescue Department. Receiving the Lifesaving Award: Firefighter Jason M. Buttenshaw, Firefighter Marc G. Campet; the Certificate of Valor: Firefighter Joshua R. Allen, Master Technician Jerry Smith, Technician John C. Guy, Technician David A. Hessler, Firefighter Clarke V. Slaymaker, Lieutenant Richard S. Slepetz, Firefighter Jason E. Earl, Deputy Chief Jeffrey B. Coffman; the Silver Medal: Captain I Randal L. Bittinger, Master Technician William B. Wheatley, Firefighter Hugh S. Boyle; the Bronze Medal: Captain II Michael R. Smith, Master Technician Randal A. Leatherman, Firefighter Lloyd W. Coburn III, Lieutenant Thomas L. Flint, Lieutenant Bruce A. Neuhaus, Firefighter Ryan J. Ward, Technician Carl E. Jones.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

A TRIBUTE TO JAMES GHIGLIERI OF TOLUCA, ILLINOIS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LAHOOD. Madam Speaker, I rise today to pay tribute to my constituent and friend James Ghiglieri of Toluca, Illinois. On March 5, 2007, Jim will become chairman of the Independent Community Bankers of America, the Nation's largest community bank trade association. Community banks are locally operated financial institutions that empower employees to provide individualized customer service. These financial institutions serve as the backbone to communities across the country.

As President of the Alpha Community Bank of Toluca, Jim carries on the Ghiglieri family commitment to community service that was started almost 100 years ago by his father and grandfather. Jim's outstanding dedication to community service is recognized throughout Central Illinois. Jim is highly regarded in his profession and extremely deserving of this honor. The 5,000 members of the Independent Community Bankers of America will be well represented with Jim as their spokesperson.

I congratulate Jim on this appointment and thank him for his dedication and service to build financial security in our communities throughout the country.

TRIBUTE TO PRIVATE JOSHUA ''JOSH'' ROY MOZINGO

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Private Joshua ''Josh'' Roy Mozingo, who passed away after a car accident on Thursday, January 11, 2007. Josh's legacy and contributions to the U.S. military will live on in the hearts and minds of many for generations to come, and we are forever grateful for his service to our country.

Having grown up in both Lumberton and Fayetteville, North Carolina, Josh embodied the true spirit of a dedicated and determined soldier. When he was a youngster, I had the privilege of coaching Josh in Lumberton's T-ball recreation league. After graduating from high school in Fayetteville, Josh joined the Army and faithfully served his country in Iraq. During this time, he received several military honors including the Parachutist Badge, the National Defense Service Medal, the Army Service Ribbon, the Global War on Terrorism Service Medal, and the Iraq Campaign Medal before he was honorably discharged.

Josh loved history, music, family dinners and trips to the beach. He also charmed those who knew him with his quick wit and great sense of humor.

Josh loved his family and is survived by his father, Jim; mother, Paula Ryan of Little River, S.C.; stepmother, Debra; brothers, Jeff, Jarad and Jordan, and Jason Miller of Wilmington; grandmother, Pauline Justice of Lumberton; sister-in-law, Tracy; and neice, Kayla.

President Dwight D. Eisenhower once said, ''If we make ourselves worthy of America's

ideals, if we do not forget that our nation was founded on the premise that all men are creatures of God's making, the world will come to know that it is free men who carry forward the true promise of human progress and dignity.'' Indeed, Josh's life was the embodiment of this. He was a man who was known by persons of all races, ages, and religions for both his kind deeds and his loving, unselfish heart.

Madam Speaker, dedicated service to others has been the embodiment of Josh's life. May we all use his wisdom and selflessness as a beacon of direction and a source of true enlightenment. Indeed, may God bless to all of our memories the life and legacy of Private Joshua Mozingo.

BLACK HISTORY MONTH

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MEEKS of New York. Madam Speaker, this last day of February marks the end of Black History Month, the annual celebration commemorating the contributions of African Americans to this great Nation. I thought it fitting, as its Representative, to pay tribute to the some of the many great African Americans that hail from the Sixth Congressional District of New York.

Most people are surprised to learn that since the Harlem Renaissance, Queens has been known as the true ''Home of Jazz''—the residence of choice for hundreds of our greatest African American jazz artists.

At the height of their popularity, jazz greats Count Basie, Fats Waller, Billie Holiday, Ella Fitzgerald and Lena Horne lived on the quiet tree lined streets of historic Addisleigh Park. Musicians Milt Hinton, Mercer Ellington and Charles ''Cootie'' Williams made this historic neighborhood their home as well.

A few blocks away, jazz greats John Coltrane, Lester Young, Illinois Jaquet and Charlie Mingus lived in Jamaica, Queens. And in nearby Hollis, drummer Roy Hanes, vibraphonist Milt Jackson, and trumpeter Roy Eldridge lived a city block or two away from each other. Their neighbors in Springfield Gardens included brothers Albert and Percy Heath, drummer and bass player.

What songs would Harry Belafonte have made famous without Queensite Irving Burgie's song stylings? He wrote or composed 35 of the Caribbean crooner's songs including his most famous ''Day-O''.

Adding to Jamaica's rich history as the home of African American artists is the Great Godfather of Soul, James Brown, who lived in a stately tudor in Addisleigh Park. His home was within walking distance of singer-songwriter Brook Benton—famous for ''A Rainy Night in Georgia''.

During the mid-1970's, the Hip-Hop Era came into existence in the United States and pioneering Black youths from Hollis, Queens helped to develop and make it famous. Russell Simmons, with his Def Jam record label and Phat Farm clothing line, became hip-hop's first millionaire mogul. His brother Joseph (Run) Simmons along with Darryl (DMC) McDaniels, and Jason ''Jam-Master Jay'' Mizell formed the group Run-DMC and are credited with making hip-hop a large part of modern pop culture. LL Cool J, known as the Hip-Hop Statesman hails from Hollis, Queens as well.

From the sports world, The Great Joe Louis—World Heavyweight Boxing Champion from 1937 to 1949, and Jackie Robinson, the first Black major league baseball player in the country, lived in Addisleigh Park. Former Knicks' forward Anthony Mason was born and raised in St. Albans.

The Sixth Congressional District has been home to many African American Statesmen, including Ralph Bunche—the 1950 Nobel Peace Prize Winner, Roy Wilkins—civil rights leader, Andrew Young—former Ambassador to the United Nations, Colin Powell—this Nation's first Black Secretary of State and Rev. Al Sharpton—political and civil rights advocate.

I would be remiss if I did not pay tribute to Mr. Clarence Irving, founder of the Black American Heritage Foundation and the U.S. Postal Service's Black Heritage Stamp Series who lives in Jamaica, Queens.

When one thinks of original American music, both jazz and hip hop come to mind. I represent the district where many of the great artists from these genres chose to live.

When one thinks of African American athletes that broke down barriers many of those who come to mind are from Jamaica, Queens.

When one thinks of African American leadership, some of our most dedicated, eloquent representatives have called my district ''home''.

It is an honor to salute the accomplishments of these distinguished and talented African Americans from the district I represent. I look forward with hope and encouragement to those that will continue their great legacy.

INTRODUCTION OF THE MOTORSPORTS FAIRNESS AND PERMANENCY ACT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to introduce the ''Motorsports Fairness and Permanency Act.'' This bill permanently extends the current tax treatment of motorsports complexes across the country.

There are five motorsports facilities located in my district alone—and more than 900 of these facilities nationwide. Each year, these facilities, both large and small, draw millions of racing fans. Spending by these fans contributes to local and regional economies—but the tracks themselves contribute as well, through facility construction and renovation, purchases, and permanent and seasonal employment.

In 2004, Congress codified the seven-year depreciation classification for speedways and racetracks. However, this provision expires at the end of this year. These facilities need tax certainty in order to make their long-term planning decisions and continue contributing to national, regional and local economies.

In order to provide this certainty, I am introducing the Motorsports Fairness and Permanency Act. I hope that my colleagues will work with me to enact this legislation, which will support the economic benefits provided by motorsports facilities in my district and nationwide.

TRIBUTE TO THE LATE STATE SENATOR SHERMAN JONES

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay a personal tribute to my good friend and trusted advisor for many years, former State Senator Sherman Jones of Kansas City, Kansas, who died on February 21. For many years, he was a leading member of the Kansas City, Kansas, community, as well as a valued member of my kitchen cabinet and surrogate speaker on my political team. His friends and neighbors mourn his loss and will miss him terribly—none more so than me.

Sherman Jones was born on February 10, 1935, in Winton, North Carolina. After high school, he was recruited to play baseball, where he eventually served for three seasons as a pitcher in the major leagues for the Cincinnati Reds, New York Mets, and San Francisco Giants. He pitched in the World Series for the Cincinnati Reds in 1961. Jones, whose baseball nickname was ''Roadblock'', appeared in game five of the 1961 Series, against the New York Yankees, pitching two-thirds of an inning. One of eight Reds pitchers in the game, he was the only one who did not allow either a hit or a run.

While playing baseball in Topeka, Kansas, Sherman met Amelia Buchanan; they married on December 16, 1956. After he completed his baseball career, they settled in Kansas City, Kansas, to raise their family. He joined the Kansas City police department, where he retired after 22 years of service. He also served as athletic director for Turner House, working with inner city youth. His community involvement led him to politics, where he served as a member of the Kansas House of Representatives from 1988 to 1992, followed by service in the Kansas Senate from 1992 to 2000. At the time of his retirement from the Senate, he served as ranking Democratic member of the Committee on Federal and State Affairs, and as a member of the Committees on Confirmations Oversight, Education, Public Health and Welfare, Utilities, and Health Care Reform Legislative Oversight.

During his rich, full life, Sherman Jones was involved with many organizations, including: Optimist International, where he served as international vice president; the Wyandotte County Park Board, where he served as member and chairman; the Kansas City, Kansas, Parks Foundation; the Kansas High School Activities Association; United Way; the Kansas Legislative Black Caucus, which he chaired; and the Kansas University Medical Center, where he served as board member.

Former Senator Sherman Jones is survived by his wife of 50 years, Amelia, three children, a sister, five brothers, eight grandchildren, and many nieces, nephews, cousins and friends. Madam Speaker, I know that you and the entire House of Representatives join with me in celebrating the life of Senator Sherman Jones and in sharing the loss felt by Ameila Jones, their family and their many friends.

INTRODUCTION OF THE DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. CONYERS. Madam Speaker, I am pleased to join with Representative RAHM EMANUEL in jointly introducing the Deceptive Practices and Voter Intimidation Prevention Act. America's election system is broken and it is up to this Congress to fix it. Consecutive elections have shown us that eligible voters are denied their right to cast a ballot. Disturbingly, misinformation campaigns are often responsible for keeping these voters away from the polls.

I believe this legislation is a step towards ending deceptive practices and bringing integrity back to our elections. It is a direct response to the fraudulent tactics used to undermine our elections. This bill explicitly prohibits deceptive practices and provides voters with greater federal protections.

Numerous accounts indicate deceptive practices were employed throughout the country in our last midterm and presidential elections. Voters were told to vote on the wrong day. They were told they could not vote with outstanding parking tickets. Ultimately, they were misled, deceived, and disenfranchised. This must stop.

In 2006, our most vulnerable voters—legal immigrants and minorities—were prevented from voting. Latino voters in Orange County, California were threatened with incarceration if they voted. African American voters in Prince Georges County, Maryland were given fliers with false endorsements. These tactics are despicable and those responsible for them must be held accountable.

Under our legislation, those that engage in deceptive practices will be held accountable. Additionally, the federal government will be held responsible for protecting and advancing the right to vote.

Deceptive electioneering practices are clearly defined and prohibited under this bill. The Attorney General and the Department of Justice are required to combat and counteract deceptive practices. These measures will ensure that voters can cast a ballot free from intimidation, harassment, and deceit.

Deceptive practices do more than impede the right to vote. They threaten to erode the very core of our democracy. By eliminating barriers to the polls, we can help to restore what has been missing from our elections—fairness, honesty, and integrity.

CELEBRATION OF THE 150TH ANNIVERSARY OF THE LEWISVILLE MASONIC LODGE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BURGESS. Madam Speaker, I rise today in celebration of the Lewisville Masonic Lodge's 150th Anniversary, which will be on March 10, 2007. It is with great pleasure that I am able to join the Lewisville community in recognizing this milestone.

On January 23, 1857, the first Masonic lodge was chartered in Denton County under the name Denton Lodge Number 201, in honor of John Denton, a Free Mason. After purchasing and clearing land, the Freemasons used logs and their own labor to erect the first lodge. By the early 1870s, the area became quickly populated due to the railroad access, and the Lodge was moved closer to Lewisville, and the name was changed to Lewisville Lodge #201 in 1890.

Over the years, the Lodge was stationed in a few different locations and went through many renovations and changes. The Lodge went through good times as well as tough times; however, the members' strength and devotion to the brotherhood and the community kept the Masonry alive. The current Masonic Lodge, completed in 1981, is the product of the compassion and dedication in which the Free Masons provide not only to their fellow Brethren, but also to the Lewisville community.

The 150th Anniversary celebration will involve the entire Lewisville community. The Event will be held at the Celebration Grand Ballroom in the heart of Lewisville and will include numerous activities that will largely benefit the Lewisville Independent School District with scholarship possibilities for students. There will also be a presentation of financial support from the proceeds of the 2006 ''Race for the Children,'' a local fun-run to raise money for contribution to the Lewisville School District. In addition to the activities, local civic and political leaders, as well as Donny Broughton, the Grand Master of the Grand Lodge of Texas, will be attending the anniversary celebration.

It is with great pride that I stand here today and honor the 150th Anniversary of the Lewisville Masonic Lodge for their dedication and continuing support of the Lewisville School District and the entire community. I look forward to participating in the celebration.

THE 46TH ANNIVERSARY OF PEACE CORPS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. HONDA. Madam Speaker, as a former Peace Corps Volunteer, I am honored to formally recognize the agency on the 46th Anniversary of its inception and to help kick-off National Peace Corps Week. This week begins a week long celebration of Peace Corps' 46th Anniversary with celebratory and educational events taking place across the country.

During National Peace Corps Week, we salute the men and women of this nation who selflessly have served abroad as Peace Corps Volunteers, as well as those current Volunteers who continue to carry out the Peace Corps mission: Empowering people in developing countries through their grassroots development efforts.

I fondly remember my time as a volunteer in El Salvador in the 1960's where I built schools and health clinics. The experience meant much to me personally and professionally, sparking a lifelong desire to serve in the public sector. I returned with a passion for teaching, and quickly put my skills, including fluency in Spanish, to use in Santa Clara County schools. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

I am encouraged by the growth in the number of Peace Corps Volunteers and posts over the years. 7,749 Volunteers are currently in 67 posts serving 73 countries in Africa, Asia, the Caribbean, Latin America, Eastern Europe and Central Asia, the Middle East, and the Pacific Islands. 2007 also marks the first year of a new Peace Corps program to the Kingdom of Cambodia.

I am excited by the recent announcement of the Peace Corps intention to return to the Federal Democratic Republic of Ethiopia. Following my visit to Ethiopia in 2005, as Chair of the Congressional Ethiopia and Ethiopian American Caucus, I wrote the Peace Corps Director directly to request a reinstatement of a Peace Corps post.

In addition to these programs, the Peace Corps recently sent its 1000th Crisis Corps Volunteer into service. Crisis Corps is compiled of former Peace Corps Volunteers that return to service for shorter 3 to 6 month tours in areas in need of more immediate services. Crisis Corps Volunteers have served both at home, following Hurricane Katrina, and abroad, following the tsunami in Southeast Asia, providing valuable expertise following major disasters.

As a newly appointed member of the House Appropriations Committee, I will support the Administration's FY08 request for Peace Corps at $333.5 million. Though this is a modest increase from the FY07 enacted level of $318.8 million, it will optimize the number of Volunteers and staff in existing countries, strengthen and expand recruiting efforts, and maximize safety and security training and compliance efforts. I encourage my colleagues in the Foreign Operations Subcommittee to fulfill the Administration's request.

Today, I honor the Peace Corps and its brave Volunteers for their service to our nation and to the international community. Volunteers are providing expertise and development assistance to countries around the world, finding common ways to address global challenges, and forming bonds with people throughout the world. They make service a cultural necessity. They set a universal standard for how we are to embrace the realities of an ever-shrinking world.

The Peace Corps mission is more vital than ever, and I hope that each one of you will join me in thanking the Volunteers and the Peace Corps for their hard work in pursuit of an altruistic mission.

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2007

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. CUMMINGS. Mr. Chairman, I rise today in strong support of the National Security Foreign Investment Reform and Strengthened

Transparency Act of 2007, H.R. 556, of which I am also an original co-sponsor.

Last year, the proposed sale of the P&O firm—which manages terminal operations at major East Coast ports, including the Port of Baltimore—to a company controlled by the government of Dubai raised several significant issues to the attention of Congress.

In addition to making many aware for the first time that operations in American seaports are frequently managed by foreign interests, the sale brought renewed attention to the significant gaps in our port security regime.

Further, the proposed deal revealed the inadequacy of our systems for assessing the security risks that the increasingly global nature of business ownership relationships may pose—not just in the port management industry but in almost all critical industries in the U.S.

Fulfilling our unwavering commitment to the security of our homeland, the Democratic leadership has moved systematically to address the security concerns raised by the proposed sale of P&O to Dubai.

The first piece of legislation the House considered and passed this year—H.R. 1—would close an enormous gap in port security by requiring the examination of all shipping containers bound for the U.S.

The bill before us today, H.R. 556, will reform the processes of the Committee on Foreign Investment in the United States (CFIUS) to ensure that this Committee casts greater scrutiny on transactions involving entities owned by foreign individuals or governments—and to ensure that Congress receives the information it needs to oversee this process.

As the Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I understand the critical need to balance security and economics—particularly at our ports.

However, we must ensure that the CFIUS process—which is as much a part of our homeland security system as any scanner or radiation detector—is adequate to ensure that the implications of all transactions involving foreign entities are fully understood and that only those investments that pose no national security risks are allowed to move forward.

I urge my colleagues to support H.R. 556.

CELLULOSIC ETHANOL TECHNOLOGY

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MAHONEY. Madam Speaker, tonight, I rise to honor two companies in Florida's District 16 who are on the leading edge of cellulosic ethanol technology and encouraging the use of crops other than corn to help meet the energy needs of our country—Citrus Energy, LLP and Alico, Inc.

Recently, each of these companies was awarded a $2.5 million grant from the Florida Department of Agriculture in recognition of their efforts to establish a meaningful renewable energy industry.

With their state grant, Citrus Energy, based in Clewiston, Florida, plans to convert citrus peel, pulp, seeds and membrane into 4 million gallons of ethanol a year. I commend Citrus Energy President Dave Stewart for his commitment to finding alternative energy sources and for looking to by-products that are abundantly available to help meet our country's needs.

Similarly, Alico, Inc. located in Labelle, Florida, plans to use its grant to build a 7.5 million-gallon-a-year plant to produce ethanol and electricity. Alico intends to use high-fiber sugar cane and agriculture wastes, such as hurricane debris to make ethanol. I also commend Alico President John Alexander for his commitment to helping this great country find alternative energy sources through agricultural by-products.

It is exciting that both of these companies have recognized the potential resources that Florida can contribute to their efforts, and I am particularly pleased that they both have chosen to locate their new energy plants in District 16. Their endeavors will provide economic benefits to these communities and will provide substantial environmental and economic benefits for our entire country.

With the price of corn at $4.00 per bushel, it is imperative that American companies recognize the importance of diversifying our ethanol portfolio and the potential that our American farmers can contribute to those efforts. These two Florida companies are just the beginning of what I hope will become a burgeoning industry throughout our great State of Florida and our country. I look forward to working with my colleagues in the House of Representatives to ensure that adequate funding is provided for the research and production of bio-fuels and alternatives to corn ethanol.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Herndon Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Herndon Police Department. Receiving the Lifesaving Award: Senior Sergeant Jerry S. Keys, Corporal Robert A. Galpin, Police Officer First Class Damien C. Austin; the Certificate of Valor: Police Officer First Class Edward E. Stapleton, Detective Lisa A. Kara, Police Officer First Class E. Brian Hamilton, Police Officer First Class Justin P. Dyer.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Herndon Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

90TH ANNIVERSARY OF U.S. CITIZENSHIP FOR PUERTO RICANS

HON. LUIS G. FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FORTUÑO. Madam Speaker, at the end of the Spanish American War in 1898, Puerto Rico was ceded to the United States and became a territory under the Territorial Clause of the U.S. Constitution. It was not until 1917, by virtue of the passage of the Jones Act by Congress, that people born in Puerto Rico were granted the privilege of becoming citizens of this great Nation.

It was on March 2, 1917, 90 years ago, that Puerto Ricans became U.S. citizens. Tomrrow we celebrate the anniversary of that historic occasion by re-affirming our love for our citizenship, like our forbearers have been doing for 90 years. We cherish our U.S. citizenship dearly, for the same basic plinciples and rights that have made this Nation great, among which are Life, Liberty, and the Pursuit of Happiness.

We, as American citizens, share a common belief and admiration for all the principles and lights embodied in our Founding Documents and espoused by our Founding Fathers. This is the common bond that unites us with our fellow citizens.

We have honored our citizenship for these 90 years by making major contributions to our great Nation. We have distinguished ourselves in the arts, the sciences, and sports; but most important of all, Puerto Rican men and women have served with distinction and valor in every battlefield in which our Nation has been involved, from World War I to the current War on Terror, defending our valued principles of freedom and democracy around the world, trom Europe to the Pacific, from Korea to Vietnam to the Middle East.

Since 1917, Puerto Ricans have established themselves as an integral component of American society, adding to the fabric of local communities across the United States.

Like most Americans, the nearly 4 million U.S. citizens living in Puerto Rico patriotically cherish their American citizenship, and value the opportunity that comes with our long-standing political relationship with the United States. This relationship provides Puerto Ricans a sense of belonging to a community that transcends the geographic limitations of our Island; it is our common thread, what binds us. After 90 years, however, we still have neither the full nor the equal rights and duties of U.S. citizenship that our fellow Americans enjoy in the 50 states.

Even though American citizenship was conferred 90 years ago, to this day Americans in Puerto Rico have not been afforded the opportunity for self-determination regarding our future political status by a federally-mandated plebiscite. American citizens in Puerto Rico continue to lack full voting representation in Congress, voting rights in federal elections, equal civil rights, full democracy at the national level, and a formal process to express

our wishes regarding our destiny as free citizens.

Earlier this month, Representative JOSÉ SERRANO and I, introduced the Puerto Rico Democracy Act of 2007 (HR 900), together with 93 bipartisan co-sponsors, to provide a federally sanctioned self-determination process for the people of Puerto Rico. I encourage my colleagues in the United States Congress to support this bipartisan bill to establish a formally-recognized process that will enable Puerto Ricans to determine our future based on realistic and legally valid options, recognized by the U.S. Constitution. After 90 years of being citizens of the United States, we deserve that right.

TRIBUTE TO THE 46TH ANNIVERSARY OF THE PEACE CORPS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. BERMAN. Madam Speaker, I rise today in recognition of the 46th anniversary of the Peace Corps.

In October 1960 then Senator John F. Kennedy challenged students at the University of Michigan to serve their country and the cause of peace by living and working in the developing world.

This challenge was met with enthusiasm and led to the creation of the Peace Corps less than 5 months later on March 1, 1961. Since then, over 187,000 Americans have served as Peace Corps volunteers in 139 countries.

Peace Corps volunteers have made significant contributions and improved the lives of individuals and communities around the world. They have impacted agriculture, business development, information technology, education, health, HIV/AIDS, and the environment.

The Peace Corps also provides short-term assistance to countries in need through its Crisis Corps Volunteer Program. These former volunteers have assisted domestically with Hurricane Katrina efforts. Internationally, they have helped with rebuilding efforts in tsunami devastated areas of Sri Lanka and Thailand, and in Guatemala after Hurricane Stan.

In addition to their invaluable work abroad, volunteers gain marketable skills for use in the United States upon returning home. Worldwide, volunteers learn over 250 languages and dialects and receive extensive cross-cultural trainings that have been put to use in Congress, the Executive branch, the Foreign Service, education, business, finance, industry, trade, health care, and the social services sector.

I am proud to be a strong supporter of the Peace Corps which has become a symbol of our nation's commitment to progress, opportunity, and development worldwide.

On this anniversary, I would also like to acknowledge the two individuals from my district who are currently volunteering in Africa: Jorge A. Gaitan who is serving in Burkina Faso and Casey L. Kohler who is serving in Togo. I commend both of them for dedicating two years of their lives to helping others abroad and for serving as ambassadors from the United States.

RECOGNIZING ANN RICHARDS' EXTRAORDINARY CONTRIBUTIONS TO TEXAS AND AMERICAN PUBLIC LIFE

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. REYES. Mr. Speaker, I rise in strong support of H. Res. 42, a bill recognizing Ann Richards' extraordinary contributions to Texas and American public life.

Before assuming the Texas Governorship, Ann Richards worked as a public school teacher; raised four children; and was heavily involved in Democratic politics. She formally entered politics in 1976, first serving as County Commissioner in Travis County, Texas. In 1982, Texans elected Ann Richards as State Treasurer, making her the first woman to hold a statewide office in 50 years. Ann Richards remained in this position until her gubernatorial win in 1991.

Ann Richards navigated Texas politics with a high level of integrity, intelligence and a legendary wit as the second female governor in the great state of Texas, where she served from 1991 to 1995. During her leadership, Governor Richards emphasized ethical reform, environmental protection, and increased diversity in state agencies. She called for a "New Texas," where the faces of Texas leadership would mirror Texas" diversity. True to her vision, she made great strides in ensuring that women, Hispanics, African-Americans, and the disadvantaged shared in Texas power and prosperity.

I knew Ann Richards personally and am honored to support this bill. Ann Richards was a trailblazer in the complete sense—she won her seat at the table by hard work and perseverance; won the affection and respect of her new colleagues; and made space for historically uninvited guests. Texas is a better state because of Ann Richards, as is our Nation. I invite my colleagues in Congress to commemorate her courage, efforts, charisma and memory, by joining me in support of H. Res. 42.

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2007

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of H.R. 556, the National Security Foreign Investment Reform and Strengthened Transparency Act. This legislation strikes the delicate balance between the need to encourage foreign direct investment in the United States and the ability to critically review potential investment deals that threaten our national security.

I am particularly pleased that this bill formalizes the Committee on Foreign Investment in the United States (CFIUS) membership and designates the Secretary of the Treasury as the Chair. It is crucial to our economy that we continue to encourage foreign countries to freely invest in the United States, and the legislation before us will do just that.

It is, however, equally important to ensure that in cases where potential investment deals could impact our national security, we have a stopgap measure allowing us to critically review the potential ramifications and to proceed with caution. I am therefore also pleased that this legislation designates the Secretary of Homeland Security as the Vice Chair of CFIUS. The United States has historically been open to foreign direct investment and has provided foreign investors with fair, equitable and non-discriminatory treatment, and I believe this legislation will be implemented within this context.

Foreign direct investment continues to provide benefits to our economy in terms of jobs, technology, management expertise, and capital. The legislation we are considering today will continue to encourage such investment while strengthening the process through which we can ensure that none of these arrangements hinder our national security interests. I therefore urge my colleagues to join me in supporting this legislation.

TRIBUTE TO NATIONAL PEACE CORPS WEEK

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ROYCE. Madam Speaker, I rise to commemorate National Peace Corps Week and the 46th anniversary of the Peace Corps.

While much has changed in the world since the Peace Corps was created on this date in 1961, their goals and ideals to promote peace and friendship remain, Volunteers continue to provide invaluable services in 73 countries as educators, technology consultants, environmental specialists, and business advisors. Indeed, they're involved in a broad spectrum of activity, but they share a commonality as some of America's best diplomats.

At a time when extremism is sweeping through much of the globe, more than ever, we need these dedicated individuals.

As the former chairman of the House Subcommittee on Africa, I have had the opportunity to meet with several Peace Corps volunteers around the continent. The commitment these men and women have shown is extremely impressive and is to be commended.

Madam Speaker, I have seen the valuable work the Peace Corps is doing in Africa, and throughout the world. It deserves our recognition and support. Under the new leadership of Director Ron Tschetter, the Peace Corps is well poised to address the rapidly evolving challenges of the developing world.

INTRODUCTION OF RESOLUTION THAT SUPPORTS THE GOALS AND IDEALS OF ANTI-SLAVERY DAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ENGEL. Madam Speaker, I rise today to encourage my colleagues' strong support of the resolution that I have introduced which supports the goals and ideals of Anti-Slavery Day. I would also like to thank Representative BURTON for his assistance with this resolution. Anti-Slavery Day is dedicated to focusing attention on the many forms of slavery that exists today as well as to highlight and commend the many efforts made by the United States Congress, along with, Free the Slaves, labor organizations, and United States Industry to eradicate slavery from the product supply chains of goods entering the United States.

This resolution is most important this year as 2007 is the bicentennial of the abolition of the British slave trade. In 1865, the United States outlawed slavery and involuntary servitude with the 13th amendment. Yet today more than 27 million people are enslaved around the world and over the last 50 years slavery has actually increased and is flourishing in situations of conflict, social disruption, political chaos, and economic crisis. Slavery is present in nearly every country and affects those—especially women and children—who are most vulnerable. Slavery is a global crime and requires a global approach to its eradication with the most powerful preventive measures being education and economic development. Slavery and involuntary servitude are inherently evil institutions and must be abolished.

THE 30TH ANNIVERSARY OF THE ''CHARTER 77 MOVEMENT''

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I am privileged to add my voice today to those honoring Vaclav Havel, Czechoslovakia's first post-communist President, and the Charter 77 movement which, 30 years ago, he helped to found.

Three decades ago, the Charter 77 movement was established and its founding manifesto was formally delivered to the Communist regime in Prague. The goals of the Chartists—as signatories came to be known—were fairly straightforward: ''Charter 77 [they stated] is a loose, informal and open association of people of various shades of opinion, faiths and professions united by the will to strive individually and collectively for the respect of civic and human rights in our own country and throughout the world—rights accorded to all men by the two mentioned international covenants, by the Final Act of the Helsinki conference and by numerous other international documents opposing war, violence and social or spiritual oppression, and which are comprehensively laid down in the U.N. Universal Charter of Human Rights.''

The phrase ''people of various shades of opinion'' was, in fact, a charming understatement regarding the diversity of the signatories. Founding members of this movement included Vaclav Maly, a Catholic priest banned by the regime; Vacla Benda, a Christian philosopher; former Trotskyite Peter Uhl; former Communists like Zdenek Mlynar and Jiri Hajek, both of whom were ousted from their leadership positions in the wake of the 1968 Soviet attack that crushed the Prague Spring reforms; and, of course, Vaclav Havel, a playwright and dramatist. Notwithstanding the many differences these people surely had, they were united by a common purpose: to compel the Communist regime to respect the international human rights agreements it had freely adopted.

Interestingly, the Charter 77 movement was never a mass dissident movement—fewer than two thousand people ever formally signed this document. But, to use a boxing analogy, Charter 77 punched above its weight. Its influence could be felt far beyond the number of those who openly signed on and, ultimately, in the battle of wits and wills with the Communist regime, Charter 77 clearly won.

And most importantly, Charter 77—like other human rights groups founded at roughly the same time in Moscow, Vilnius, Warsaw and elsewhere—looked to the Helsinki process as a vehicle for calling their own governments to account. Although it is sometimes said that the Helsinki process helped to bring down communism, it is really these grass roots movements that gave the Helsinki process its real meaning and its true legitimacy.

Thirty years ago, a small, courageous band of people came together and said, ''We believe that Charter 77 will help to enable all citizens of Czechoslovakia to work and live as free human beings.'' Today, we remember their struggle and praise their enduring contributions to democracy and human rights.

STATEMENT IN HONOR OF THE BLOOMFIELD COLLEGE STUDENT ANDRE DABNEY

HON. BILL PASCRELL, Jr.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PASCRELL. Madam Speaker, I rise today to honor a very accomplished young man. Andre Dabney, a record-breaking member of Bloomfield College's basketball team, deserves our recognition for his accomplishments both on and off the court. He is certainly an inspiration to young people everywhere.

A native of Plainfield, New Jersey, Andre has truly excelled at Bloomfield College. He has been named three times to the All-Central Athletic Collegiate Conference (CACC) First Team in basketball and was named CACC Player of the Year during the 2004–2005 school year. He has been recognized twice as CACC All Tournament Most Valuable Player and was the first member of the Bloomfield College basketball team to exceed 2,000 career points. Andre Dabney received honorable mentions for All American in the 2004–2005 and 2005–2006 school years, and was awarded with a spot on the Pre-Season Second Team All American in the 2006–2007 school year.

When not playing basketball, Andre is a strong student who has been on the Dean's List for seven of the last nine semesters. He is also an active member of the Phi Beta Sigma Fraternity.

Madam Speaker, Andre Dabney is a model of achievement. He truly shows how far young people can go when they are given the opportunity to succeed. I wish him the best of luck in his future endeavors, and I know we can expect great things from him in the years to come.

TRIBUTE TO THE RETIREMENT OF JERRY DIRECTOR

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. HOYER. Madam Speaker, on the occasion of his retirement this month, I'd like to take this opportunity to recognize and thank Jerry Director, our Deputy Law Revision Counsel, as he concludes a long and distinguished career spent serving the American people in the U.S, House of Representatives.

Jerry joined the Office of the Law Revision Counsel in 1976, just two years after it was established, and we've been lucky enough to have him here with us ever since.

Throughout his career, Jerry has been an indispensable member of a small but essential group of nonpartisan professionals who prepare and publish the United States Code and draft legislation to improve the codification of federal law. He has played an important role in maintaining the Code from year to year, and Jerry has used his expansive wealth of legislative knowledge to guide and train each and every attorney that is currently charged with updating the laws of our land.

In 1997, Jerry rose to his current position of Deputy Law Revision Counsel, and his leadership, expertise and tireless efforts have been invaluable in ensuring the accuracy and quality of the volumes that govern every aspect of American life.

Jerry's easygoing demeanor, patient manner and high standards are greatly appreciated by his colleagues and those of us who have had the pleasure of getting to know him over these last 30 years. And when he thinks back on his time in the People's House, I know he will do so with all the pride and satisfaction that accompany an outstanding career of public service,

Later this month, Jerry will retire to Richmond, Virginia, where he plans to continue his love of golf and spend more time with his family. But before he goes, I want to congratulate Jerry Director on a wonderful career and wish him all the best as he embarks on the next—and hopefully, the most fulfilling—chapter of his life.

CONGRATULATING THE MENDOTA ELEMENTARY SCHOOL ON ITS 50TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, today I rise to congratulate Mendota Elementary School on its 50th anniversary. For 50 years, the Mendota Elementary School has provided academic excellence for the children of Mendota Heights. The school has served as a community resource, providing education opportunities for students, parents and the public, and providing public spaces for civic engagement.

This celebration comes at a great time for Mendota Elementary School. The school was recently included among nine Minnesota schools named as U.S. Department of Education 2006 Blue Ribbon School Award schools. The Blue Ribbon School Award is a special recognition that reflects the outstanding academic performance of the students, teachers and staff of Mendota Elementary School. As a good steward of public education, the Mendota Elementary School provides a safe and nurturing place for our children to grow and learn. Teachers and staff offer an enriched environment for children to develop into healthy, contributing and productive citizens.

In honor of the students, parents, families, teachers and staff of Mendota Elementary School, I am pleased to honor this special anniversary. I look forward to continued celebrations of success and milestones in the education of the people of Mendota Heights community.

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2007

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Ms. WATERS. Mr. Chairman, as you know, I was a strong supporter of H.R. 5337, the National Security Foreign Investment Reform and Strengthened Transparency Act of 2006, which passed the Financial Services Committee as well as the House in the 109th Congress. First, I want to again acknowledge the work of our distinguished chairman of the Committee of Financial Services, Mr. FRANK and Mr. GUTIERREZ, chairman of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology for supporting this bill. Let me also thank Ms. MALONEY, a member of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, for again introducing this important national security legislation, H.R. 556. In addition, the bill now has more than 50 co-sponsors.

Last year, the House approved a comprehensive set of reforms to the Committee on Foreign Investment in the United States (CFIUS) process. It is a testament to the diligence of Ms. MALONEY and other members of the Committee on Financial Services that H.R. 556 is being considered so early in this session.

It has been almost a year since we learned of the Committee of Foreign Investment's (CFIUS) activities related to Dubai World Ports and the implications of the proposed deal for national security. I can genuinely say that the members of the Committee on Financial Services have been most directly involved in this issue since that time.

The bill the House passed last year, H.R. 5337, was designed to reform the CFIUS process based on the information gleaned from earlier hearings on the subject. We have heard about the negative impact of cutting off foreign direct investment in the U.S. However, it would be foolish to assume that we would take any such steps to prohibit foreign direct investment. At the same time, we need to consider safeguards to ensure that the CFIUS process is consistent with the original intent of the Congress concerning national security and investments.

It is time that CFIUS operated within the law, and that it is made clear who is responsible for what in the decisionmaking process. Another critical issue is how decisions are actually made, and what entity is principally responsible for protecting the national security interests of this Nation as they pertain to foreign direct investment.

This bill enables CFIUS to unilaterally initiate a review where an issue of concern is raised; any foreign government backed deal would be subject to review; both the Secretaries of the Treasury and Homeland Security must sign off on reviews, while the Homeland Security Secretary would be vice-chair of the Committee; and all reviews are subject to review by the Director of National intelligence.

In addition, everyone knows that transparency and accountability were, in part, at the heart of the congressional uproar over the Dubai World Ports deal. Importantly, H.R. 556 like its predecessor bill requires that CFIUS report biannually to Congress on its activities. This is strong legislation that will only make Congress' job less difficult on the issue of national security and foreign direct investment.

I urge my colleagues to support H.R. 556 without any weakening amendments. Unfortunately, there are those who would have you believe that the bill in not balanced. I would submit that the bill represents a comprehensive well-balanced measure in view of the global situation. Indeed, this bill will not undermine foreign investment in the U.S.

HONORING CAREER OF JOE HARRISON

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. RAHALL. Madam Speaker, I rise today to pay tribute to Joe Harrison, President and CEO of the American Moving and Storage Association (AMSA). AMSA represents approximately 3,500 professional household moving companies worldwide. For the last 25 years, Joe has served as the industry's primary spokesperson and advocate, but is now set to retire on March 31, 2007.

During his tenure, Joe has appeared before this body many times, providing information about the industry and its "best practices."

For the past quarter-century, Joe has lobbied Congress on issues ranging from retaining the federal moving tax deduction, to small business tax and regulatory relief, to affordable health care for his Association's members and their families.

Additionally, he has worked with the states to continue their ability to regulate the intrastate transportation of household goods.

He has been a champion of various industry-led consumer education and protection activities, including but not limited to increased ceiling amounts for arbitration of disputes between carriers and shippers; a Certified Mover Program; adequate federal oversight and enforcement of the interstate household goods consumer protection laws; limited antitrust immunity for ratemaking by the industry's Tariff Bureau; competitive and efficient procurement policies for relocation of federal employees and military personnel; reauthorization of our federal highway program; and a host of other commercial vehicle safety policies, such as proposed ergonomics and hours-of-service regulations.

A tireless advocate, Joe has taken every opportunity, including numerous media interviews, to convey the responsibilities to the consumer his association members carry. In 2003, Joe's dedication to the Association and the industry were recognized when he was awarded the Moving and Storage Institute's "Distinguished Service Award", the moving industry's most coveted award.

I thank Joe for his years of dedicated and professional service to the Nation and the legislative process, and wish him continued success in the next chapter of his personal and professional life. He has been, and will forever remain, the "Consummate Mover and Shaker on Capitol Hill."

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2007 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Two members of the Fairfax County Sheriff's Office have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2007 Valor Awards in the Fairfax County Sheriff's Office. Receiving the Certificate of Valor: Private First Class Robert L. Perryman; the Bronze Medal: Private First Class Darrell L. Carty.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and

women who serve in the Fairfax County Sheriff's Office. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Ms. JACKSON-LEE. Mr. Speaker, I rise in support of H. Con. Res. 52, to support the goals and ideals of American Heart Month. The leading cause of death in the United States is not murder or gang violence or any other violent crime; it is heart disease. The statistics are staggering. One-third of adult Americans have 1 or more of the following heart diseases: high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects. While some of the major risk factors of heart disease like advanced age, gender, and heredity cannot be changed, minorities are at a greater risk than whites to die from heart disease and die at higher rates. Heart disease also is devastating to women. In 2003 a total of 685,089 people died of heart disease; 51 percent of these victims were women. Nearly twice as many women in the United States die of heart disease and stroke as from all forms of cancer, including breast cancer.

Turning to African Americans, the numbers are even more shocking. Out of the five largest U.S. racial/ethnic groups, the death rate of 300 per 100,000 population for African Americans is the highest.

It is essential for all Americans to be aware of the risk factors associated with heart disease and to take the necessary precautions to reduce those risks. Fortunately, there are things Americans can do to reduce the risk of heart disease. They can reduce stress, increase physical activity, consume alcoholic beverages in moderation, refrain from using illegal drugs or smoking or hormone replacement therapy.

Mr. Speaker, I support H. Con. Res. 52 because we need to take the steps necessary to encourage Americans to fight the causes of heart disease and to take to heart the four simple "healthy life, healthy heart goals" identified by the Healthier US initiative of the U.S. Department of Health and Human Services:

Regular exercise regularly and maintain a healthy weight; good eating habits; avoidance of tobacco, drugs and excessive alcohol; and regular checkups and screenings.

Mr. Speaker, we must not allow heart disease to become a silent killer. Let us support the goals and ideals of American Heart Month. I thank my colleague, Representative MILLENDER-MCDONALD for introducing this important legislation. I urge my colleagues to join me in supporting H. Con. Res. 52.

THE REINTRODUCTION OF THE FILIPINO VETERANS FAMILY REUNIFICATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Ms. HIRONO. Madam Speaker, I rise today to reintroduce the Filipino Veterans Family Reunification Act, a companion to Senator AKAKA's bill of the same name, which will provide for the expedited reunification of the families of our Filipino World War II veterans. I am pleased to be joined in this legislation by Representatives NEIL ABERCROMBIE, BOB FILNER, MICHAEL HONDA, MADELEINE BORDALLO, ROBERT "BOBBY" SCOTT, JIM MCDERMOTT, DARRELL ISSA, SAM FARR, AL GREEN, RAÚL GRIJALVA, and PHIL HARE.

As you know, Filipino veterans are those that honorably answered the call of President Franklin D. Roosevelt and served alongside our armed forces during World War II. They fought shoulder to shoulder with American servicemen; they sacrificed for the same just cause. We made a promise to provide full veterans' benefits to those who served with our troops. And while we have recently made appreciable progress toward fulfilling that long-ignored promise, we have not yet achieved the full equity that the Filipino veterans deserve.

In 1990, the Congress recognized the courage and commitment of the Filipino World War II veterans by providing them with a waiver from certain naturalization requirements. Many veterans thereafter became proud United States citizens and residents of our country. However, allowances were not made for their children and many have been waiting decades for petition approval.

The Filipino Veterans Family Reunification Act would allow for the further recognition of the service of the veterans by granting their children a special immigration status that would allow them to immigrate to the United States and be reunified with their aging parents. It is important to note that the Filipino soldiers who fought under the command of General Douglas MacArthur at this critical time in our Nation's history represent a unique category. These soldiers were members of the United States Armed Forces of the Far East. They were led to believe that at the end of the conflict they would be treated the same as American soldiers. It took more than 60 years to begin to make good on our commitment. The Filipino Veterans Family Reunification Act recognizes the special circumstances of this group of soldiers.

I would like to submit into the record an editorial from the Honolulu Advertiser that supports the expedited reunification of these families as a meaningful way to make amends for the injustice experienced by these brave soldiers. As the editorial frankly states, "Reuniting these men with their children is not only the fair thing for the U.S. government to do, it's the least it could do."

Last year, my home State of Hawaii celebrated the 100th anniversary of the first Filipino immigrants to arrive on U.S. soil. We are exceptionally proud of the accomplishments of our Filipino community and confident that the next 100 years will be as successful. It is unfortunate that prospective family-based immigration applicants from the Philippines face substantial, often decades-long, waits for visas.

In Honolulu, I recently had a meeting with a group of Filipino veterans from my district. I listened to many heartbreaking stories of sons and daughters waiting patiently in the Philippines with the hope that one day they will be able to come to the United States to care for their aging parents. The need to complete these families of our veterans is great.

As our Filipino veterans are entering the sunset years of their lives, Congress is running out of time to fulfill our obligations to them. I look forward to working with my colleagues by providing for the reunification of our Filipino World War II veterans with their families.

[From the Honolulu Advertiser, Feb. 25, 2007]

FILIPINO VETS' FAMILIES DESERVE SPECIAL STATUS

Filipino veterans, who fought alongside U.S. troops during World War II, have waited far too long—more than 60 years—to get what's due them.

While they still seek full pension benefits from Congress, another key measure would give them something that could be more important in their senior years: family reunification.

Senate Bill 671, recently introduced by U.S. Sens. Dan Akaka and Daniel Inouye, grants special immigrant status to the children of naturalized Filipino veterans, enabling them to move up in the visa backlog that has had some family members waiting for entry to the U.S. for nearly 20 years.

Indeed, this solution is not a simple one. In the aftermath of Sept. 11, visa policies were rightly revamped and strictly enforced. To expedite the process for these family members and not others merits concern.

But let's look at the bigger picture: An estimated 200,000 Filipinos were drafted in 1941 to fight under Gen. Douglas MacArthur when war broke out. The men were promised citizenship and benefits by President Franklin D. Roosevelt. But Congress reneged on the promise with the Rescission Act of 1946.

Not until 1990 did the Immigration Act allow these men citizenship. But they have yet to receive the same benefits as their GI counterparts, and the change in immigration law did not extend the same rights to the veterans' sons and daughters.

Today, there are an estimated 5,000 Filipino veterans in Hawai'i and the Mainland, according to the American Coalition for Filipino Veterans, but most are well into their 80s and 90s—and their number is quickly dwindling.

Reuniting these men with their children is not only the fair thing for the U.S. government to do, it's the least it could do.

And Congress shouldn't stop there. The aging veterans deserve to see the final piece in their struggle for equity: the granting of full pension benefits that could mean $200 a month per veteran.

For these men, it's more than just a paycheck—it's a promise.

RECOGNIZING MR. ERIC BRANSBY'S 90TH BIRTHDAY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. LAMBORN. Madam Speaker, I rise in recognition of Mr. Eric Bransby on his 90th birthday and the tremendous contributions he

has made to the Colorado Springs community and the greater art world.

A gifted artist, Mr. Bransby developed his interest in mural painting while studying at the Kansas City Art Institute. Since that time he has become an internationally renowned muralist. Recognized as a Phi Kappa Phi National Honorary and a Fellow of the National Society of Mural Painters, he is one of only a few painters to work in traditional fresco. Mr. Bransby studied at Colorado College and later at Yale University as a graduate fellow. He translated this formal training into a life dedicated to furthering American art as both an artist and educator.

Students from Yale University and Colorado College among others have benefited from Mr. Bransby's passion, and the citizens of Colorado from his extraordinary talent. Among Mr. Bransby's works are the history of aviation mural at the United States Air Force Academy and the pioneer scene in Cossit Hall at Colorado College. His magnificent depiction of 200 years of Colorado history featuring nearly 100 subjects, from early, unknown settlers to historical figures can be seen at Colorado's Pioneer Museum located right in my hometown of Colorado Springs.

My district and our Nation are fortunate to count among their citizens this extraordinary individual. Mr. Bransby has inspired generations by bringing to life, with vivid imagination, our history, and we owe him immense gratitude.

IN HONOR OF MRS. RHODA ANN SOKOL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor the memory of Mrs. Rhoda Ann Sokol, a dedicated teacher and citizen from Long Branch, New Jersey. It is with great pride and admiration that I honor her today for her outstanding commitment to New Jersey's Jewish community and for the legacy she has left for her students, her family, and the people of Monmouth County.

Mrs. Sokol was born in New York at Beth Israel Hospital but lived most of her young life in West Long Branch, New Jersey. She graduated from Long Branch High School, my alma mater, and went on to obtain a bachelor of science degree from Monmouth College. She and her husband Robert were married for 40 years and raised three children in Ocean Township.

Mrs. Sokol was a very generous person and was incredibly dedicated to her work. She taught at the Jewish Community Center in Deal for 21 years and taught at the Solomon Schechter Academy in Howell for 23 years. She loved the arts and music and worked with students on musicals while she taught at Solomon Schechter. She will always be remembered as a teacher who adored her students and who was always willing to help them in any way she could.

There are many people all over Monmouth County who will never forget Mrs. Sokol. It gives me great pride to say that the Spirit of Israel Dance Company is performing a tribute concert to honor her memory. The concert will take place on Sunday, March 4th and will showcase young dancers ranging from ages 14–20. This dance group has performed all over the world, including at the Maccabia opening ceremony, Adloyada, Carmiel, various TV programs, and at numerous school events.

Madam Speaker, I sincerely hope that my colleagues will join me in recognizing Mrs. Rhoda Ann Sokol for her lifelong dedication to her community. While she was taken from the Long Branch community before her time, her friends, family, and students will never forget her.

MOURNING THE LOSS OF KEN BERKMAN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. ISRAEL. Madam Speaker, I rise today in great sadness. My community has lost a great leader and a humanitarian: Ken Berkman.

Of all the things that can be said of Ken Berkman, the most profound is that he made a difference in his community. And to every good cause and every community project he brought a sparkling wit, a wry smile, a deep compassion, and an exuberant dedication. He built one of the leading law firms on Long Island, but understood that the foundation of a strong law firm is a good and flourishing community.

I have known Ken and his wife Irene for many years, but anyone involved in any facet of community life or any issue confronting Long Island has also known them.

Ken cared about his country. He cared about the town of Huntington. And cared most about his family. His legacy will be a standard of grace and commitment that to which others will aspire. He made our community better, and those who follow his example will continue to push our community forward.

That, Madam Speaker, is the true legacy of Ken Berkman. We lost him, but not the standard he set, and the difference he made to the people I represent in the United States Congress.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. MORAN of Virginia. Madam Speaker, last year representatives and leaders of Virginia's Native American tribes left their communities and flew to England to participate in ceremonies that were a prelude to the 400th anniversary of the first permanent English settlement in America. Some of the distinguished Virginia residents who made this trip are the blood descendants and leaders of the surviving 7 tribes that once were a part of the Great Powhatan Confederacy that initially helped sustain the colonists during their difficult first years at Jamestown. Virginia's best known Indian, Pocahontas, traveled to England in 1617 with her husband John Rolfe and was received by English royalty. She died a year later of smallpox and is buried in the chapel of the parish church in Gravesend, England.

This year marks the 400th anniversary of the settlement of Jamestown. It would be a sad irony if the direct descendants of the native Americans who met these settlers, were still not recognized by the federal government. I, along with fellow Virginians, Reps. JO ANN DAVIS, BOBBY SCOTT and TOM DAVIS of Virginia, and Reps. NICK RAHALL, NEAL ABERCROMBIE, DALE KILDEE, and FRANK PALLONE are introducing legislation today entitled the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act." This legislation will finally, and at long last, grant federal recognition to six Indian tribes in Virginia: the Chickahominy Tribe, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock Tribe, the Monacan Tribe, and the Nansemond Tribe.

Like most Native Americans, the Virginia tribes first welcomed western settlers, but quickly became subdued, pushed off their land, and, up through much of the 20th Century, denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia Indians successfully overcame years of racial discrimination that denied them equal opportunities to pursue their education and preserve their cultural identity. That story of survival doesn't encompass decades, it spans centuries of racial hostility and coercive state and state-sanctioned actions.

Their story, however is unique in two ways. First, they signed their peace treaties with the Kings of England, and second, they suffered centuries of state sanctioned hostilities. Unlike most tribes that resisted encroachment and obtained federal recognition when they signed peace treaties with the federal government, Virginia's six tribes signed their peace treaties with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and Charles the II. This treaty has been recognized by the State every year for the past 329 years when the Governor of the Commonwealth of Virginia accepts tribute from the tribes in a ceremony now celebrated at the State Capitol. I understand it is the longest celebrated treaty in the United States.

In the intervening years between 1677 and the birth of this nation, however, these tribes were dispossessed of most of their land and were too weak to pose a threat. They were, therefore, never in a position to negotiate and receive recognition from our nascent federal government. Last summer the English government reaffirmed its recognition of this treaty with the modern Virginia tribes.

Their unique history speaks to the reason Congress must act to recognize the Virginia tribes. They have experienced what has been called a "paper genocide" and been persecuted by the Commonwealth of Virginia. At the time when the federal government granted Native Americans the right to vote, Virginia's elected officials were embracing the eugenics movement and began adopting racially hostile laws targeted at those classes of people who did not fit into the dominant white society.

These actions culminated with the enactment of the Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a state official, to destroy records and reclassify in Orwellian fashion all non-whites as "colored." It targeted Native Americans and

sought to deny them their identity. To call yourself a ''Native American'' in Virginia was to risk a jail sentence of up to one year. The law remained in effect until it was struck down in the federal courts in 1967.

For up to 50 years, state officials waged a war to destroy all public and many private records that affirmed the existence of Native Americans in Virginia. Historians have affirmed that there is no other state that compares to Virginia's efforts to eradicate its citizens' Indian identity. All of Virginia's state-recognized tribes have filed petitions with the Bureau of Acknowledgment seeking federal recognition.

But it is a very heavy burden the Virginia tribes will have to overcome and one fraught with complications that officials from the Bureau of Indian Affairs have acknowledged may never be resolved in their lifetime. The acknowledgment process is already costly, subject to unreasonable delays, and lacks dignity. Virginia's legacy of paper genocide only further complicates these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents and aggravating the injustice already visited upon these tribes.

This wasn't corrected until 1997 when Governor George Allen signed legislation directing state agencies to correct state records that had deliberately been altered to list Virginia Indians on official state documents as ''colored.'' The law allows living members of the tribes to correct records, but the law cannot correct the damage done to past generations. Two years later, the Virginia General Assembly adopted a resolution calling upon Congress to enact legislation recognizing the Virginia tribes.

There is no doubt that the Chicahomony, the Eastern Chicahomony, the Monacan, the Nansemond, the Rappahannock and the Upper Mattaponi tribes exist. These tribes have existed on a continuous basis since before the first western European settlers stepped foot in America; and, they are here with us today.

I know there is great resistance from Congress to grant any Native American tribe federal recognition. And, I can appreciate how the issue of gambling and its economic and moral dimensions have influenced many Members' perspectives on tribal recognition issues. I think the circumstances and situation these tribes have endured and the legacy they still confront today, however, outweigh these concerns. We have made significant compromises to give the State the option to say ''no'' to gaming. Congress has the power to recognize these tribes. It has exercised this power in the past, and it should exercise this power again with respect to these six tribes.

I urge my colleagues to support this legislation.

COSPONSORS OF LEGISLATION INTRODUCED BY THE REP. JIM MORAN RECOGNIZING SIX VIRGINIA TRIBES

The Honorable JO ANN DAVIS; the Honorable BOBBY SCOTT; the Honorable TOM DAVIS; the Honorable NICK J. RAHALL II; the Honorable NEIL ABERCROMBIE; the Honorable DALE E. KILDEE; the Honorable FRANK PALLONE, JR.; the Honorable ROBERT C. SCOTT.

RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. OBERSTAR. Madam Speaker, today I have introduced a bill to improve the security of railroad, public transportation, and over-the-road bus systems in the United States.

Tragically, transit and rail systems have long been popular targets of terrorist attacks worldwide. From 1991 to 2001, 42 percent of all terrorist incidents were carried out on rail systems or buses. Recent tragic events show that these threats continue.

On March 11, 2004, a coordinated terrorist attack against the commuter train system of Madrid, Spain, killed 191 people and wounded more than 2,000 others. On July 7, 2005, four bombs exploded on the London transit system, killing 52 people and injuring 700 others. It was the deadliest bombing in London since World War II. On July 11, 2006, a series of seven bomb blasts that took place over a period of 11 minutes on the Suburban Railway in Mumbai, India's financial capital, killed 209 people and injured over 700 others.

The characteristics of transit and passenger rail systems make them inherently vulnerable to terrorist attacks and difficult to secure. Public transportation and rail systems are open, have multiple access points, are hubs serving multiple carriers, and in some cases, have no barriers. In addition, high volume of passengers and freight, expensive infrastructure, economic importance, and location make these systems attractive targets for terrorists because of the potential for mass casualties, economic damage, and disruption.

The potential to do harm is truly enormous. In the United States, every day, more than 14 million people use public transportation. Public transportation agencies provide 9.5 billion transit trips annually. The over-the-road bus industry, which provides intercity bus service and charter service, transports 774 million passengers annually. Amtrak and commuter railroads serve more than 500 million passengers annually.

Unfortunately, despite this stark reality, investments to enhance the security of our Nation's surface transportation systems have not kept pace with the needs. Last year, the Federal Government invested $4.7 billion in aviation security improvements, while spending only $136 million on transit and rail security, even though five times as many people take trains as planes every day.

The bill I have introduced today requires several measures that will address the security challenges faced by our Nation's railroads, public transportation agencies, and over-the-road bus operators. Specifically, the legislation:

Directs the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to develop and implement a National Rail and Public Transportation Security Plan, as required in the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458), but which has not been completed.

Requires the Department of Homeland Security (DHS), in coordination with the Department of Transportation (DOT) to issue regulations establishing a security program for rail carriers, public transportation providers, and over-the-road bus operators. Carriers and operators considered to be at high or medium risk of terrorist attack, as determined by DHS, are required to conduct an assessment of the vulnerability of their infrastructure and operations to terrorism and to prepare and implement a security plan.

Requires DHS, in coordination with DOT, to establish separate security assistance grant programs for rail, transit, and over-the-road bus, to provide capital and operating assistance based on priorities established by the security assessments. DHS would be responsible for establishing grant program priorities, while DOT would be responsible for making grants to eligible recipients based on DOT's existing grant structure.

Authorizes specific grants to Amtrak for tunnel improvements and upgrades, and further requires an increase in the number of DHS rail security Inspectors.

Addresses a critical security gap by requiring mandatory security training for employees in the industries covered by the bill. This provision and the timeline established will ensure that front-line transit workers are properly trained to address security needs.

Establishes certain whistleblower protections for employees of railroads, public transportation agencies, and over-the-road bus companies; as well employees of DOT, DHS, and contractors.

Madam Speaker, this bill carefully crafts a joint approach on security. The bill maximizes the expertise and core competencies of both DHS and DOT, to enhance the implementation of these critically important, and long overdue, security programs.

DOT has played and continues to play a significant role in securing our Nation's transit and rail systems. DOT is the government's lead agency on transportation safety and efficiency. Decisions on security measures cannot be made in a vacuum without consideration of the effects on safety and efficiency. While DHS is the lead agency on security, it must work cooperatively with DOT to ensure that safety is not impaired and security measures do not unnecessarily impair efficiency.

The Federal Transit Administration, the Federal Railroad Administration, and the Pipeline and Hazardous Materials Safety Administration have all signed Memorandums of Understanding with DHS to clarify the roles and responsibilities of each agency with respect to security. This bill honors and follows the principles outlined in these existing agreements.

I would like to thank Representative BENNIE THOMPSON, Chairman of the Committee on Homeland Security, for his cooperation to date on rail, public transportation, and over-the-road bus security legislation. I look forward to continuing our joint work to bring a comprehensive surface transportation security bill to the House floor as quickly as possible.

HONORING EDWIN O. GUTHMAN

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. FATTAH. Madam Speaker, I rise today to pay tribute to the career of Ed Guthman, a dedicated public servant and master of his

craft, who is being honored tonight at the University of Southern California. From his days with Bobby Kennedy to his time at the Philadelphia Inquirer and, most recently, shaping the minds of a new generation of journalists at USC, Ed has remained steadfastly committed to the principles of open government and honest journalism. As editorial page editor at the Philadelphia Inquirer, he wrote with insight on the major issues of the day; nuclear safety, education reform and corruption in Philadelphia and Pennsylvania's court systems. His clear prose and cogent ideas brought honor to his newspaper and true enlightenment to us, the readers.

Ed's career did not begin with his decade at the Inquirer. Before coming to Philadelphia, he served as the national editor at the Los Angeles Times. It was during his work in Los Angeles that Ed was listed as number three on Nixon's infamous enemies list. The list, and Guthman's inclusion, offer enduring evidence of the danger of an unchecked executive and a reminder of the need for an eternally vigilant free and independent press. Prior to the LA Times, he was a reporter at the Seattle Times where he was awarded the Pulitzer Prize for his investigation into the Washington State Un-American Activities Committee.

I consider it a privilege to call Ed my friend. He is a brilliant man and has contributed greatly to the field of journalism and the quest for a fair and democratic United States. While I am pleased that he has the opportunity to share what he knows with the students of USC, we will always miss him in Philadelphia.

ELLEN WALLACE BUCHANAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. CLYBURN. Madam Speaker, it is a great honor for me to rise in recognition of the highly successful career and notable achievements of Ms. Ellen Wallace Buchanan. On February 28, 2007, Ellen retired as Chief of Staff for Representative JOHN SPRATT (D–SC), after over 30 years of service to the United States House of Representatives.

Ellen was raised in my home state of South Carolina by a father who was a probate judge and a mother who was a school teacher. Her parents instilled in her the importance of service to community and country.

After receiving her Bachelor's degree in Education from Winthrop University, Ms. Buchanan followed in her mother's footsteps, beginning her career as an elementary school teacher in Charleston, SC.

In a career move that would enable her to further serve her community while engaging her fascination with government, Ellen accepted a position as Staff Assistant with former Congressman Kenneth Holland (D–SC) in 1976. During her six-year tenure in former Congressman Holland's office she was given roles of increasing responsibility. When JOHN SPRATT succeeded Congressman Holland, Ellen continued her service to the United States House of Representatives starting as Congressman SPRATT's Legislative Assistant and rising to become his Chief of Staff.

Ellen's tenure in the House can be described in one way—passion for her work. She especially enjoyed taking part in campaigns. In her words, ''It reenergizes you to be with your supporters.'' In addition to her exceptional leadership skills, Ellen possesses an extremely pleasing personal demeanor. She is loved by all who know her.

Madam Speaker, on behalf of my staff, and the constituents of the 6th District of South Carolina, I ask you and my colleagues to join us in saluting the contributions of Ellen Wallace Buchanan and wish her well in the years to come.

NATIONAL SECURITY FOREIGN INVESTMENT REFORM AND STRENGTHENED TRANSPARENCY ACT OF 2007

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2007

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 556, National Security Foreign Investment Reform and Strengthened Transparency Act of 2007, and I urge my colleagues to join me in voting in favor of it.

Many Americans were rightfully concerned in 2006 by the Dubai Ports World scandal. I support H.R. 556 because this bill provides the needed reform to the Committee on Foreign Investment in the United States (CFIUS). By reforming CFIUS, the United States can better balance the critical issue of national security with the billions of dollars in foreign investment that helps keep our economy strong. H.R. 556 formally establishes CFIUS and its membership and streamlines the process for reviews by the committee. This bill mandates a 30-day review for all national security-related business transactions and a full-scale 45-day investigation to follow if necessary. This bill also ensures these decisions are made at a senior level and requires CFIUS to report to Congress five days after their final action on an investigation. The United States Chamber of Commerce supports this bill as do other groups concerned about responsible policy for foreign investment.

I oppose any amendments that weaken H.R. 556, National Security Foreign Investment Reform and Strengthened Transparency Act of 2007. The three amendments introduced by Rep. MCCAUL all place burdensome reporting requirements on CFIUS and detract from the committee's mission. Reporting on tax issues is outside the scope and expertise of the committee. CFIUS and its resources should be focused on foreign transactions, and most importantly, on national security.

I support H.R. 556 and urge my colleagues to join me in improving our national security while safeguarding America's economy.

TRIBUTE TO THE LATE STAFF SERGEANT JOSHUA R. HAGER

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

Mr. SALAZAR. Madam Speaker, I ask for unanimous consent to address the House for one minute and to revise and extend my remarks.

I stand here today to pay tribute and recognize the loss of SSG Joshua R. Hager. Staff Sergeant Hager was killed in action while serving his country in Iraq.

Every day, the men and women of the United States Armed Forces face danger in the hope to bring peace and prosperity to those in need. We must not forget the individual stories of these soldiers who are serving our country with courage and honor.

Joshua Hager was from Bloomfield, Colorado and he is survived by his wife and child who reside in Pueblo, Colorado.

Staff Sergeant Hager was one of three Fort Carson soldiers who died on Friday, February 23. Hager, PVT Travis Buford of Galveston, Texas, and PVT Rowan Walter of Winnetka, California, died Friday of injuries suffered a day earlier when an improvised explosive device detonated near their vehicle.

All three brave men were assigned to the 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, based at Fort Carson, which has now lost 189 soldiers since the war in Iraq began.

Joshua Hager was 29 years old.

My heart goes out to Joshua's wife and child as well as all of his family and friends. Their courage in this time of hardship humbles us all.

We will not forget his sacrifice, and that of the soldiers who rode alongside Joshua.

I submit this recognition to the United States House of Representatives in honor of their sacrifice, so that Joshua Hager may live on in memory.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S2437–S2542

Measures Introduced: Twenty-six bills and four resolutions were introduced, as follows: S. 720–745, S.J. Res. 4, S. Res. 92, and S. Con. Res. 15–16.

Pages S2487–88

Measures Reported:

S. 84, to establish a United States Boxing Commission to administer the Act. (S. Rept. No. 110–28)

Report to accompany S. 184, to provide improved rail and surface transportation security. (S. Rept. No. 110–29)

H. Con. Res. 44, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

S. Res. 78, designating April 2007 as ''National Autism Awareness Month'' and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

S. Res. 84, observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

S. Con. Res. 10, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

Page S2487

Measures Passed:

Senate Committee Expenditures: Senate agreed to S. Res. 89, authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009. **Pages S2534–40**

Military Order of the Purple Heart: Senate passed S. 743, to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated.

Page S2540

Conflict in Uganda: Senate agreed to S. Con. Res. 16, calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community. **Pages S2540–41**

National Medal of Honor: Senate agreed to H. Con. Res. 47, supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor. **Page S2541**

Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act: Senate continued consideration of S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, withdrawing the committee amendment in the nature of a substitute, taking action on the following amendments proposed thereto: **Pages S2443–60, S2460–72**

Rejected:

Schumer/Menendez Amendment No. 298 (to Amendment No. 275), to strengthen the security of cargo containers. (By 58 yeas to 38 nays (Vote No. 56), Senate tabled the amendment.)

Pages S2449–57, S2459–60, S2460–63

Withdrawn:

Collins Amendment No. 277 (to Amendment No. 275), to extend the deadline by which State identification documents shall comply with certain minimum standards. **Pages S2443, S2446–47**

Bingaman/Domenici Amendment No. 281 (to Amendment No. 275), to provide financial aid to local law enforcement officials along the Nation's borders. **Pages S2443, S2460**

Pending:

Reid Amendment No. 275, in the nature of a substitute. **Pages S2443–60, S2460–72**

Sununu Amendment No. 291 (to Amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions. **Pages S2445–46**

Sununu Amendment No. 292 (to Amendment No. 275), to expand the reporting requirement on cross border interoperability, and to prevent lengthy delays in the accessing frequencies and channels for public safety communication users and others. **Pages S2445–46**

Salazar/Lieberman Modified Amendment No. 290 (to Amendment No. 275), to require a quadrennial homeland security review. **Pages S2457–59**

Salazar Amendment No. 280 (to Amendment No. 275), to create a Rural Policing Institute as part of the Federal Law Enforcement Training Center. **Page S2459**

DeMint Amendment No. 314 (to Amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration. **Pages S2464, S2465–70**

Lieberman Amendment No. 315 (to Amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners. **Pages S2464–65**

McCaskill Amendment No. 316 (to Amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners. **Page S2465**

Dorgan/Conrad Amendment No. 313 (to Amendment No. 275), to require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda. **Pages S2470–72**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, March 2, 2007; that the time until 10 a.m. be for concurrent debate on Sununu Amendment No. 292 and Salazar Amendment No. 280 (both listed above); that the time be equally divided and controlled between Senator Sununu and Senator Salazar, or their designees; that no amendments be in order to either amendment prior to the vote; that at 10 a.m., the Senate vote on or in relation to Sununu Amendment No. 292; that, upon disposition of Sununu Amendment No. 292, the Senate vote on or in relation to Salazar Amendment No. 280; and that there be 2 minutes, equally divided and controlled, for debate between the votes. **Pages S2541**

Nominations Confirmed: Senate confirmed the following nominations:

30 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

12 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S2533–34, S2541**

Messages from the House: **Pages S2486–87**

Messages Referred: **Page S2487**

Measures Read the First Time: **Page S2487**

Executive Communications: **Page S2487**

Executive Reports of Committees: **Page S2487**

Additional Cosponsors: **Pages S2487–90**

Statements on Introduced Bills/Resolutions: **Pages S2490–S2517**

Additional Statements: **Page S2486**

Amendments Submitted: **Pages S2517–33**

Authorities for Committees to Meet: **Page S2533**

Record Votes: One record vote was taken today. (Total—56) **Page S2463**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:40 p.m., until 9:30 a.m. on Friday, March 2, 2007.

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the Department of Commerce, after receiving testimony from Carlos M. Gutierrez, Secretary, William Jeffrey, Director, National Institute of Standards and Technology, Technology Administration, and Jon W. Dudas, Director, Patent and Trademark Office, all of the Department of Commerce.

AFGHANISTAN

Committee on Armed Services: Committee concluded a hearing to examine Afghanistan, after receiving testimony from Eric S. Edelman, Under Secretary of Defense for Policy; Lieutenant General Douglas E. Lute, USA, Director for Operations, J–3, The Joint Staff; General James L. Jones, Jr., USMC (Ret.), Former Commander, United States European Command and Supreme Allied Commander, Europe; and Barnett R. Rubin, New York University Center on International Cooperation, New York, New York.

DEPARTMENT OF DEFENSE BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget for fiscal year 2008 for defense and war costs, after receiving testimony from Gordon England, Deputy Secretary, and Tina W. Jonas, Under Secretary (Comptroller) and Chief Financial Officer, both of the Department of Defense; and Admiral Edmund P. Giambastiani, Jr., Vice Chairman, Joint Chiefs of Staff.

UNIVERSAL SERVICE FUND

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the present and future of the universal service fund, after receiving testimony from Deborah Taylor Tate, and Michael J. Copps, both a Commissioner, Federal Communications Commission, Larry S. Landis, Indiana Utility Regulatory Commission, Indianapolis, John Downes Burke, Vermont Public Service Board, Montpelier, and Billy Jack Gregg, Public Service Commission of West Virginia, Charleston, all of the Federal-State Joint Board on Universal Service; David Crothers, North Dakota Association of Telephone Cooperatives, Mandan, on behalf of the National Telecommunications Cooperative Association; Brian K. Staihr, Embarq Corporation, Overland Park, Kansas; Richard Massey, Alltel Corporation, Little Rock, Arkansas; Tom Tauke, Verizon, Washington, D.C.; and Tom Simmons, Midcontinent Communications, Sioux Falls, South Dakota.

ANNUAL ENERGY OUTLOOK

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the Energy Information Administration's Annual Energy Outlook 2007, after receiving testimony from Guy Caruso, Administrator, Energy Information Administration, Department of Energy.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 380, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Julie Jacobson, Deputy Assistant Secretary of the Interior for Land and Minerals Management; John Douglas Robertson, Douglas County Board of Commissioners, Roseburg, Oregon; Jonathan Kusel, Sierra Institute for Community and Environment, Taylorsville, California; and Michael A. Francis, Wilderness Society, Washington, D.C.

GLOBAL WARMING

Committee on Environment and Public Works: Committee held a hearing to examine state, local, and regional government approaches to address global warming, receiving testimony from New Jersey Governor Jon S. Corzine, Trenton; California State Assembly Representative Fabian Nunez, and California State Senator Don Perata, both of Sacramento; Oklahoma State Representative Dennis Adkins, Oklahoma City; Colorado State Senator Ted Harvey, Denver; Mayor Greg Nickels, Seattle, Washington; Mayor Frank Cownie, Des Moines, Iowa; and Mayor Richard P. Homrighausen, Dover, Ohio.

Hearings recessed subject to the call.

MEDICARE PAYMENTS

Committee on Finance: Committee concluded a hearing to examine Medicare payments for physician services, focusing on new approaches to the sustainable growth rate (SGR) system used in Medicare's physician payment system, after receiving testimony from Peter R. Orszag, Director, Congressional Budget Office; Glenn M. Hackbarth, Medicare Payment Advisory Commission, Washington, D.C.; and Cecil B. Wilson, Winter Park, Florida, on behalf of the American Medical Association, and Byron Thames, both of AARP, Orlando, Florida.

FEDERAL FINANCIAL MANAGEMENT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine improving federal financial management, focusing on the progress that has been made and the challenges ahead, after receiving testimony from Linda M. Combs, Controller, Office of Management and Budget; and David M. Walker, Comptroller General of the United States, Government Accountability Office.

ASBESTOS

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety concluded a hearing to examine asbestos, focusing on efforts to better protect the health of American

workers and their families, after receiving testimony from John Thayer, Supervisor, Capitol Power Plant Tunnel Crew, Office of the Architect of the Capitol; Harvey I. Pass, New York University School of Medicine, New York, New York; Richard Wilson, Harvard University Department of Physics and Center for Risk Analysis, Cambridge, Massachusetts; Barry Castleman, Garrett Park, Maryland; and Susan Vento, Maplewood, Minnesota.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, with an amendment;

S. 442, to provide for loan repayment for prosecutors and public defenders, with amendments;

S. Con. Res. 10, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary;

H. Con. Res. 44, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary;

S. Res. 78, designating April 2007 as ''National Autism Awareness Month'' and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism;

S. Res. 84, observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world; and

The nominations of John Preston Bailey, to be United States District Judge for the Northern District of West Virginia, Otis D. Wright II, to be United States District Judge for the Central District of California, and George H. Wu, to be United States District Judge for the Central District of California.

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.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters and adopted its rules of procedure for the 110th Congress.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 54 public bills, H.R. 1254–1307; and 5 resolutions, H. Con. Res. 76–77 and H. Res. 207–209, were introduced. **Pages H2118–21**

Additional Cosponsors: **Pages H2121–22**

Report Filed: A report was filed today as follows: H.R. 137, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, with an amendment (H. Rept. 110–27, Pt. 1). **Page H2118**

Employee Free Choice Act: The House passed H.R. 800, to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations and to provide for mandatory injunctions for unfair labor practices during organizing, by a recorded vote of 241 ayes to 185 noes, Roll No. 118. **Pages H2054–91**

Rejected the McKeon motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 202 ayes to 225 noes with 1 voting ''present'', Roll No. 117. **Pages H2089–91**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Pages H2078–89**

Rejected:

King (IA) amendment (No. 1 printed in H. Rept. 110–26) that sought to add a section to the bill to

amend the National Labor Relations Act to discourage the practice of ''salting'', by a recorded vote of 164 ayes to 264 noes, Roll No. 114;

Pages H2078–80, H2087

Foxx amendment (No. 2 printed in H. Rept. 110–26) that sought to require the National Labor Relations Board to promulgate standards and a model notice for an employee to put him- or herself on a ''do not call or contact'' list to avoid union solicitation, by a recorded vote of 173 ayes to 256 noes, Roll No. 115; and **Pages H2080–82, H2087–88**

McKeon amendment (No. 3 printed in H. Rept. 110–26) that sought to strike the underlying text and insert in its place the text of H.R. 866, the Secret Ballot Protection Act, by a recorded vote of 173 ayes to 256 noes, Roll No. 116.

Pages H2082–87, H2088–89

H. Res. 203, the rule providing for consideration of the bill, was agreed to by a recorded vote of 230 ayes to 195 noes, Roll No. 113, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 197 nays, Roll No. 112. **Pages H2043–54**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 5th for Morning Hour debate; and further, when the House adjourns on Thursday, March 8th, it adjourn to meet at 9:00 a.m. on Friday, March 9th. **Page H2093**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, March 7th. **Page H2093**

Quorum Calls—Votes: One yea-and-nay vote and six recorded votes developed during the proceedings of today and appear on pages H2053–54, H2054, H2087, H2088, H2088–89, H2090–91, and H2091. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:58 p.m.

Committee Meetings

BUDGET VIEWS AND ESTIMATES

Committee on Agriculture: Approved Budget Views and Estimates for Fiscal Year 2008 for submission to the Committee on the Budget.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on USDA's Inspector General. Testimony was heard from the following officials of the USDA: Phyllis K. Fong, Inspector General; Kathleen S. Tighe, Deputy Inspector General; Robert W. Young, Jr., Assistant Inspector General, Audit; Mark R. Woods, Assistant Inspector General, Investigations; and Suzanne Murrin, Assistant Inspector General, Management, all with the Office of Inspector General; and W. Scott Steele, Budget Officer.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS.

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on NSF. Testimony was heard from Arden L. Bement, Jr., Director, NSF.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Bureau of Reclamation. Testimony was heard from the following officials of the Department of the Interior: P. Lynn Scarlet, Deputy Secretary; and Robert Johnson, Commissioner, Bureau of Reclamation.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on Financial Services for Disadvantaged Communities. Testimony was heard from JoAnn M. Johnson, Chairman, National Credit Union Administration; Kimberly A. Reed, Director, Community Development Financial Institutions Fund, Department of the Treasury; and public witnesses.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Meeting Boarder Patrol Training Needs. Testimony was heard from Connie Patrick, Director, Federal Law Enforcement Training Center, Department of Homeland Security.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on Substance Abuse and Mental Health Services Administration/National Institute of Drug Abuse/National Institute of Mental Health/and National Institute of Alcohol and Alcoholism. Testimony was heard from the following officials of the Department of Health and Human Services; NIH: Terry Cline, M.D., Administrator,

Substance Abuse and Mental Health Services Administration; Nora Volkow, M.D., Director, National Institute of Drug Abuse; Thomas Insel, M.D., Director, National Institute of Mental Health; and T.K. Li, M.D., Director, National Institute of Alcohol and Alcoholism.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on the Architect of the Capitol: Budget. Testimony was heard from Stephen Ayers, Acting Architect of the Capitol.

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS.

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on Global HIV/AID. Testimony was heard from Ambassador Mark Dybul, U.S. Global AIDS Coordinator, Department of State.

TRANSPORTATION, AND HUD, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies held a hearing on the Department of Housing and Urban Development. Testimony was heard from Alphonso R. Jackson Secretary of Housing and Urban Development.

NATIONAL DEFENSE BUDGET REQUEST—DEPARTMENT OF THE NAVY

Committee on Armed Services: Held a hearing on the Fiscal Year 2008 National Defense Budget Request from the Department of the Navy. Testimony was heard from the following officials of the Department of the Navy: Donald C. Winter, Secretary; ADM Michael G. Mullen, USN, Chief of Naval Operations; and GEN James T. Conway, USMC, Commandant of the Marine Corps.

MILITARY ADVOCACY/BENEFICIARY GROUPS

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on views of military advocacy and beneficiary groups. Testimony was heard from public witnesses.

NUCLEAR POWER SYSTEMS AND NAVY COMBATANTS

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on integrated nuclear power systems for future Naval surface combatants. Testimony was heard from the following officials of the Department of the Navy: Delores Etter, Assistant Secretary, (Research, Development, and Acquisition); ADM Kirkland Donald, USN, Director, Naval Nuclear Propulsion Programs; VADM Jonathan Greenert, USN, Assistant Chief, Naval Operations for Resource Requirements; VADM Paul Sullivan, USN, Commander, Naval Sea Systems Command; and RADM Barry McCullough, USN, Director, Surface Warfare Division.

VETERANS AFFAIRS BUDGET

Committee on the Budget: Held a hearing on the Department of Veterans Affairs Fiscal Year 2008 Budget Priorities. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs.

OVERSIGHT PLAN 110TH CONGRESS; COMMITTEE BUSINESS

Committee on Energy and Commerce: Approved Oversight Plan for the 110th Congress.

The Committee also considered pending Committee business.

EPA BUDGET

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing entitled ''The Environmental Protection Agency Fiscal Year 2008 Budget Request.'' Testimony was heard from Bill A. Roderick, Acting Inspector General, EPA; Robert W. King, Jr., Deputy Commissioner, Department of Health and Environmental Control, State of South Carolina; J. Christian Bollwage, Mayor, Elizabeth, New Jersey; and public witnesses.

UNINSURED CHILDREN

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Covering the Uninsured Through the Eyes of a Child.'' Testimony was heard from Kathryn G. Allen, Director, Health Care, GAO; Phyllis Sloyer, R.N., Division Director, Children's Medical Services, Department of Health, State of Florida; Joseph F. Vitale, member New Jersey State Senate and Chairman, Health, Human Services and Senior Citizens Committee; and public witnesses.

WORLD WIDE WEB OUTLOOK

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''Digital Future of the United States: Part I—The Future of the World Wide Web.'' Testimony was heard from a public witness.

BUDGET VIEWS AND ESTIMATES

Committee on Financial Services: Approved Budget Views and Estimates for Fiscal Year 2008 for submission to the Committee on the Budget.

NORTH KOREAN HUMAN RIGHTS

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on North Korean Human Rights: An Update. Testimony was heard from Jay Lefkowitz, Special Envoy for Human Rights in North Korea, Department of State.

U.S. POLICY TOWARD LATIN AMERICA

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on Overview of U.S. Policy Toward Latin America. Testimony was heard from Thomas A. Shannon, Jr., Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; and public witnesses.

HOMELAND SECURITY MANAGEMENT OUTLOOK

Committee on Homeland Security: Subcommittee on Management, Investigations, and Oversight held a hearing entitled ''The Department of Homeland Security's Directorate: Goals and Objectives of the New Under Secretary.'' Testimony was heard from Paul A. Schneider, Under Secretary, Management, Department of Homeland Security.

IMPROVE SECURITY—RAIL AND PUBLIC TRANSPORTATION

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection approved for full Committee action, as amended, a measure to improve the security of railroads, public transportation and over-the-road buses in the United States.

COMMITTEE FUNDING RESOLUTION

Committee on House Administration: Ordered reported, as amended, H. Res. 202, Providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress.

ISSUANCE OF SUBPOENAS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law met and approved the issuance of four subpoenas in conjunction with a Subcommittee hearing to be held next week.

SENATE LOBBYING REFORM BILL

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held a hearing on S. 1, To provide greater transparency in the legislative process. Testimony was heard from public witnesses.

NATIONAL PARK SERVICE BUDGET REQUEST FISCAL YEAR 2008

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held an oversight hearing on the Fiscal Year 2008 Budget Request for the National Park Service. Testimony was heard from Mary A. Bomar, Director, National Park Service, Department of the Interior.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on H.R. 24, San Joaquin River Restoration Settlement Act. Testimony was heard from Jason Peltier, Principal Deputy Assistant Secretary, Water and Science, Department of the Interior; the following officials of the State of California: Lois Wolk, member State Assembly and Chair, Committee on Water, Parks, and Wildlife; and Nancy Saracino, Chief Deputy Director, Department of Water Resources; and public witnesses.

OVERSIGHT—PRESIDENTIAL RECORDS ACT

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives held an oversight hearing on The Presidential Records Act. Testimony was heard from Allen Weinstein, Archivist of the United States, National Archives and Records Administration; Harold Relyea, Specialist in American National Government and Finance Division, CRS, Library of Congress.

SMALL BUSINESS ACCESS TO CAPITAL

Committee on Small Business: Held a hearing entitled ''Increasing Access to Capital for Our Nation's Small Businesses.'' Testimony was heard from Janet Tasker, Deputy Associate Administrator, Capital Access, SBA; and public witnesses.

MISCELLANEOUS MEASURES; BUDGET VIEWS AND ESTIMATES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 1144, amended, Hurricanes Katrina and Rita Federal Match Relief Act of 2007; H.R. 1195, amended, To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections; H.R. 735, To designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building;'' H.R. 753, amended, To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the ''Clifford Davis/Odell Horton Federal Building;'' H.R. 1019, To designate the United States customhouse building located at 31 Gonzalez Clements Avenue in Mayaguez, Puerto Rico, as the ''Rafael Martinez Nadal United States Customhouse Building;'' H.R. 1045, To designate

the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building;'' H.R. 1138, To designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse;'' and H.R. 720, Water Quality Financing Act of 2007. GSA Courthouse Construction Resolution.

The Committee also approved the following: GSA Courthouse Construction Resolution; and Committee Budget Views and Estimates for Fiscal Year 2008 for submission to the Committee on the Budget.

MEDICARE PAYMENT POLICIES

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Payment Advisory Commission's annual March report on Medicare payment policies. Testimony was heard from Glenn M. Hackbarth, Chairman, Medicare Payment Advisory Commission.

RELEASE EXECUTIVE SESSION MATERIAL

Permanent Select Committee on Intelligence: Met in executive session and approved the release of the internal Cunningham investigation materials to the Department of Justice.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 2, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Office of the Architect of the Capitol, 10 a.m., SD–138.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, on Agency for Toxic Substance and Disease Registry/Chemical Safety Board/National Institute on Environment Health Sciences, 9:30 a.m., B–308 Rayburn.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 4 through February 28, 2007

	Senate	*House*	*Total*
Days in session	31	28	..
Time in session	233 hrs, 03′	242 hrs, 56′	..
Congressional Record:			
Pages of proceedings	2,435	2,039	..
Extensions of Remarks	..	430	..
Public bills enacted into law	1	5	6
Private bills enacted into law	..	..	..
Bills in conference	..	..	..
Measures passed, total	69	127	195
Senate bills	6	1	
House bills	11	47	..
Senate joint resolutions	..	..	..
House joint resolutions	1	1	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	4	14	..
Simple resolutions	45	64	..
Measures reported, total	59	26	85
Senate bills	28	..	..
House bills	1	15	..
Senate joint resolutions	..	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	..	1	..
Simple resolutions	29	10	..
Special reports	1	..	..
Conference reports	..	..	..
Measures pending on calendar	50	10	..
Measures introduced, total	807	1,572	2,379
Bills	699	1,253	..
Joint resolutions	3	38	..
Concurrent resolutions	14	75	..
Simple resolutions	91	206	..
Quorum calls	2	1	..
Yea-and-nay votes	55	74	..
Recorded votes	..	36	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 27 reports have been filed in the Senate, a total of 26 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 4 through February 28, 2007

Civilian nominations totaling 155, disposed of as follows:	
Confirmed	18
Unconfirmed	135
Withdrawn	2
Other Civilian nominations, totaling 215, disposed of as follows:	
Confirmed	3
Unconfirmed	212
Air Force nominations, totaling 3,546, disposed of as follows:	
Confirmed	519
Unconfirmed	3,027
Army nominations, totaling 1,244, disposed of as follows:	
Confirmed	612
Unconfirmed	632
Navy nominations, totaling 42, disposed of as follows:	
Confirmed	24
Unconfirmed	18
Marine Corps nominations, totaling 277, disposed of as follows:	
Confirmed	10
Unconfirmed	267

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	5,479
Total confirmed	1,186
Total unconfirmed	4,291
Total withdrawn	2
Total returned to the White House	0

Next Meeting of the SENATE

9:30 a.m., Friday, March 2,

Senate Chamber

Program for Friday: Senate will continue consideration of S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act, and after a period of debate, vote on, or in relation to, certain amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, March 5

House Chamber

Program for Monday: To be announced.

Extensions of Remarks as inserted in this issue

HOUSE

Berman, Howard L., Calif., E446
Bishop, Sanford D., Jr., Ga., E432, E434
Brady, Robert A., Pa., E441
Brown, Henry E., Jr., S.C., E437
Burgess, Michael C., Tex., E444
Clyburn, James E., S.C., E452
Conyers, John, Jr., Mich., E444
Costa, Jim, Calif., E431, E434
Cummings, Elijah E., Md., E444
Davis, Tom, Va., E432, E434, E437, E442, E445, E448
Doyle, Michael F., Pa., E439
Ellsworth, Brad, Ind., E440
Engel, Eliot L., N.Y., E447
Etheridge, Bob, N.C., E452
Fattah, Chaka, Pa., E451
Fortuño, Luis G., Puerto Rico, E445
Frelinghuysen, Rodney P., N.J., E433, E436
Giffords, Gabrielle, Ariz., E440
Graves, Sam, Mo., E431, E433, E437, E442
Hastings, Alcee L., Fla., E447
Hirono, Mazie K., Hawaii, E449
Honda, Michael M., Calif., E444
Hooley, Darlene, Ore., E436
Hoyer, Steny H., Md., E447
Israel, Steve, N.Y., E450
Jackson-Lee, Sheila, Tex., E449
Kennedy, Patrick J., R.I., E441
LaHood, Ray, Ill., E442
Lamborn, Doug, Colo., E449
Langevin, James R., R.I., E431, E434, E446
Lantos, Tom, Calif., E436
McCollum, Betty, Minn., E448
McIntyre, Mike, N.C., E442
Mahoney, Tim, Fla., E445
Meeks, Gregory W., N.Y., E443
Miller, Jeff, Fla., E436
Moore, Dennis, Kans., E443
Moran, James P., Va., E450
Norton, Eleanor Holmes, D.C., E439
Oberstar, James L., Minn., E451
Pallone, Frank, Jr., N.J., E450
Pascrell, Bill, Jr., N.J., E447
Paul, Ron, Tex., E441
Petri, Thomas E., Wisc., E440
Rahall, Nick J., II, W.Va., E448
Reyes, Silvestre, Tex., E446
Royce, Edward R., Calif., E446
Salazar, John T., Colo., E452
Shimkus, John, Ill., E440
Smith, Lamar, Tex., E440
Thompson, Mike, Calif., E443
Towns, Edolphus, N.Y., E432, E435, E437
Udall, Mark, Colo., E431, E433
Wamp, Zach, Tenn., E441
Waters, Maxine, Calif., E448
Wilson, Joe, S.C., E442

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.