United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, MAY 2, 2007 No. 71

House of Representatives

The House met at 10 a.m.

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

Lord God, who speaks wisdom to the brokenhearted and heals the wounds of nations, when any of us comes to an impasse and becomes paralyzed with fear or confusion, by prophetic call You bid us to turn to You with renewed faith.

Lord, speak Your word and help leaders of government and judges in courts to look beyond self-interest as if this were the path for another's good. And, while in dialogue, seeking the full circumference of facts, let a new light arise in their midst which draws all to a deeper common ground which will grant a surface of security in truth and pave a course to justice and peace, which always reflects Your image and will last 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 Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. G. Timothy Saunders, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER

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

REPUBLICANS UNDER INVESTIGATION

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

Mr. EMANUEL. Madam Speaker, the list of Republicans under investigation or resigning in this administration in disgrace keeps growing. This morning, The Washington Post reported Julie A. MacDonald, the deputy assistant Secretary of the Interior Department, resigned, just as she was being investigated for changing scientific reports to protect the interests of oil and gas companies and real estate developers, all the people she was supposed to be actually holding accountable. I wish this was an isolated case in the Bush administration.

This morning, The New York Times reported the Department of Commerce Inspector General faces three separate investigations in conduct of his office. Scott Block, the special counsel of the Justice Department, is being investigated for the management of his office. Lucita Doan at the GSA is being investigated for politicization of the office. Monica Goodling of the Justice Department resigned. Sue Ellen Wooldridge at Justice stepped down. Matteo Fontana at the Department of Education has stepped aside. David Safavian at OMB has been prosecuted. Stephen Giles at the Interior Department had to step down. All have had their conduct scrutinized while in their professional office.

It is time, in fact, and justifies why this Congress is doing its job of oversight and accountability, and bringing people's professional conduct in order.

PARTIAL-BIRTH ABORTION BAN

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

Mr. MCHENRY. Mr. Speaker, I rise to join with millions across our Nation who applaud the Supreme Court's recent decision to uphold the ban on partial-birth abortion. Partial-birth abortion is unrivaled in its gruesome brutality. There is no question it has caused the vicious destruction of viable, living, breathing babies whose only crime is inconvenience.

The court's decision is a victory in the quest to restore the dignity of human life. No longer will the most vulnerable and innocent among us be subject to such cruelty as partial-birth abortion.

It is also a victory for the Constitution, Mr. Speaker, which liberal activist judges have demeaned for far too long. It is encouraging to see the court's decision move towards our Founders' vision, a vision rooted in the commitment to not only protect, but to also respect human life.

While this is a step forward, it is only one victory in the longer struggle to assure that the abolition of abortion altogether is achieved. Let us never forget our responsibility to hold the basic sanctity granted to us by our Maker.

H.R. 1234

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

Mr. KUCINICH. The President's veto will stand, but now what will we stand for?

We say we want the war to end, but will we give the President the money to continue the war? We say we want our troops home, but will we continue to support the occupation? We know that U.S. contractors have been stealing from U.S. taxpayers and the Iraqi

Printed on recycled paper.

government, but will we leave our troops in Iraq to protect them? We know oil has had a lot to do with this war, but will we let this President get away with attempting to privatize Iraq's oil wealth in the name of reconciliation?

We can still change course. We can deny the administration funds to continue the war. We can bring our troops home. We can stabilize Iraq with an international security force once we end the occupation. That is exactly what H.R. 1234 is about, and it is time that we started to look for alternatives which reflect this Nation's highest aspirations.

RUSSIA

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

Mr. PITTS. Mr. Speaker, anyone who was alive at the time will always remember the collapse of the Berlin Wall.

With the Soviet bloc crumbling, the western world rejoiced as freedom spread to populations once thought hopelessly in the grip of Communist oppressors. There was reason to believe that the Soviets' brutal form of tyranny was over forever.

Unfortunately, recent actions seem to be giving new life to old Communist ghosts. Police squads crushing the Kremlin's dissenters, advocates of freedom and transparency silenced, cultural figures detained.

Mr. Speaker, the recent backsliding in Russia should be cause for alarm for all freedom loving people. As the Kremlin's power expands, freedom for the Russian people shrinks. This was wrong during the Cold War and it is wrong now.

It is time that the free nations of the world take a stand against this trend and start demanding more from Mr. Putin and Russia's leaders.

ARMY SPECIALIST ERVIN CARADINE, JR.

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

Mr. COHEN. Mr. Speaker, I want to talk about a gentleman who was Army Specialist Ervin Caradine, Jr.

Mr. Caradine would have been 36 years old today if he had lived. He was from my hometown of Memphis, Tennessee where we have lost nine veterans. He joined the Army to provide a better life for his family. He had graduated from Fairley High School and worked his way up to being a manager at the Steak-Out Restaurant in Memphis. He had a wife and he had four children.

Three years ago to this day, Army Specialist Ervin Caradine, Jr., died. He was in a convoy in Baghdad that was hit by an IED 3 years ago. Three days before his death, he called his wife and she said there was a change in his voice. He said, ''It's getting worse over here, it's not getting better.''

Since then, nearly 3,000 more soldiers have died. Army Specialist Ervin Caradine, Jr., said something 3 years and 3 days ago that is still true: It's getting worse over here, it's not better.

Let's not have more deaths.

CONTINUE TO TAKE THE FIELD

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

Mr. SHIMKUS. Mr. Speaker, imagine my beloved St. Louis Cardinals were playing the much-despised Chicago Cubs. The Cardinals are up by five, finishing the top of the ninth. Is this a cause for celebration? Is this a cause for victory? No.

Unbelievable as it may seem, the Cubbies score five runs in the bottom of the ninth to throw the game into extra innings. There, the score remains until 1 a.m., five innings later. However, at the top of the 15th, the Cardinals fail to field a batter. The entire team has left the stadium. It seems that they are more worried about next day's 1 p.m. game at home than finishing the game at hand.

Who wins? We know, it's the team that stays on the field. Arbitrary deadlines and a date certain accept defeat before the conclusion of the contest. It is in our national security interest to continue to take the field and support a moderate Arab state. Leaving prior assures a loss for us and a victory for our opponents, which will lead to another extremist Islamic state.

''THE PRESIDENT CANNOT VETO REALITY''

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

Mr. DOGGETT. Mr. Speaker, the President can veto our plan for a safe and orderly phased redeployment from Iraq, but he cannot veto reality. Our troops are coming home, it's just a question of how much blood and money will be spent before they do.

If the President had listened to the generals, we would never have invaded Iraq in the first place. Each day of this unnecessary tragedy demonstrates the wisdom of General Schwarzkopf's warning that we would become ''like [a] dinosaur in a tar pit.''

Had he listened to the generals, the President would have deployed enough troops to get the job done. But instead, he rejected the advice of General Shinseki, and allowed the violence to spiral, and unguarded weapon heaps became IEDs.

If the President had listened to the generals, he would now be redeploying our troops instead of sending more, inadequately protected, for longer, repeat tours of duty.

Had the President listened to the generals, our veterans would be getting the quality care that they have earned and they deserve.

But in this Administration, generals who disagree with the President earn a new title: Retired.

CONYERS-KIRK HATE CRIMES LEGISLATION

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

Mr. KIRK. Mr. Speaker, I rise in support of the Conyers-Kirk Local Law Enforcement Hate Crimes Prevention Act. We know that a hate crime can ignite group-on-group violence that can completely overwhelm a small suburban police department.

In 2005, the FBI recorded 7,000 hate crimes in our country, 168 in the State of Illinois, and two in my congressional district, one in Wheeling and one in Palatine.

For us, we remember a tragic night in 1999 when Benjamin Smith, a member of a white supremacist group, gunned down the Northwestern University basketball coach in front of two kids. Why? Because he was black. Smith then continued his hunting spree, shooting Orthodox Jews coming home from synagogue, and spraying bullets at an Asian couple driving home in Northbrook.

These were hate crimes, crimes designed to tear a community apart, crimes designed to commit and isolate and stigmatize others because of the color of their skin or the religion they practice.

I urge my colleagues to back the Hate Crimes bill.

□ 1015

FOUR YEARS AGO IT WAS MISSION ACCOMPLISHED BUT NOW IT'S THE NEVER-ENDING MISSION

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

Mr. SARBANES. Mr. Speaker, yesterday Congress sent the President an emergency supplemental bill that provides our soldiers and our veterans everything the President asked for and more. It was a bill supported by the American people, this Congress and military experts who believe it is time to change the course of the war in Iraq. The President's response? A veto.

The President's action last night shows not only his stubbornness and his inability to work with others, it also demonstrates that he simply refuses to change the status quo.

The President refuses to give our troops, this Congress, or the American people any timelines as to when this war will end or under what conditions he would finally bring our troops home.

Mr. Speaker, the President says that things are getting better in Iraq, but that's simply not true. Last month was

one of the deadliest months for American troops in Iraq. One hundred four soldiers were killed.

It's time for a new course. It's time for the President to sit down and work with this Congress so we can finally produce the change that will end this war.

PASS A CLEAN IRAQ EMERGENCY SUPPLEMENTAL

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, last night the President did what he said he was going to do for weeks now. He vetoed the Democrat supplemental that was loaded with pork, tied the hands of our generals on the ground and provided the enemy with an ill-conceived exit strategy.

As the President said last night, Mr. Speaker, ''Congress passed a bill that substitutes the judgment of politicians for the judgment of our military commanders.'' I couldn't agree with him more, and that's why I opposed this supplemental, and that's exactly why he vetoed it.

We must not, as a nation, be invested in defeat. Again, I repeat, we must not, as a nation, be invested in defeat. Unilateral surrender may be the Democrats' plan, but it will not lead to a safer America.

Now that the veto has taken place, it is simply unacceptable for the Democrat leaders to delay any further the funding that our American troops deserve. Let's pass a clean Iraq supplemental.

IRAQ TIMETABLE AND FUNDING

(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. Mr. Speaker, even after losing 3,200 American lives and spending billions of taxpayer dollars since declaring ''Mission Accomplished'' 4 years ago, the Bush administration continues to demand an open-ended commitment of American troops in Iraq. Yesterday President Bush refused to change the course when he vetoed a bill that was supported by Congress, retired military generals and the American people.

This Democratic Congress put forth a plan for a responsible end to the war consistent with our national security needs.

Even Secretary of Defense Gates himself reiterated last month that congressional debate was helpful. He delivered the message to the Iraqi Government that the clock is ticking on U.S. operations there. President Bush's veto yesterday lets the Iraqi Government off the hook and shows the President plans to keep our troops there indefinitely.

Mr. Speaker, the days of rubber-stamping the President's war proposals are long over. The President is going to have to learn to work with the Democratic leadership on this Congress so that we can find a way out of Iraq soon, and so we can provide our troops with the resources they need.

IRAQI SURRENDER GROUP

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

Mr. POE. Mr. Speaker, now that the media sideshows and the press conferences are over for the Iraqi Surrender Group, and the President vetoed the day of surrender bill yesterday, and properly so, Congress needs to get on about the business of funding our troops. Failure to fund our troops not only will affect our troops there, but it will affect the Iraqi security forces, the National Guard, and, of course, our Reserves.

That first bill may have funded some of the troops, but it had the pork and beans provision, $26 billion for the shrimp industry, the peanut farmers and the spinach farmers. Eliminate that and eliminate the day of surrender provision in that bill. Have a clean bill to support our troops. No more complaining. Send them the money they need.

This reminds me of the same problem that General Stonewall Jackson had with the Confederate Congress when they were complaining about the war. He said, ''Send more troops, not more questions.''

And that's just the way it is.

A REMEDY FOR CHAOS AND CONFUSION

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

Ms. SHEA-PORTER. Mr. Speaker, yesterday President Bush called the timetable a ''prescription for chaos and confusion.'' That timetable was a responsible road map out of Iraq.

The President has caused chaos and confusion for 4 long years, replacing one general after another when the general disagrees with the policy.

What has the President given us? He's given us the largest deficit in history. He's cut back from domestic programs to pay for this war. He's weakened our military. Eighty-eight percent of the National Guard is not prepared to go to war. The Army is strained to a breaking point.

He's neglected our own people, and he has destroyed Iraq's economy, their social fabric. People are leaving Iraq, fleeing from the chaos the President has caused for 4 long years.

We had a responsible road map. The President should have signed it.

WE HAVE A CHOICE

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

Mr. PRICE of Georgia. Mr. Speaker, yesterday the majority party sent a plan for failure in the war on terror to the President, and the President did the right thing. He sent it right back.

It's now time for Congress to pass a funding bill that supports our troops and doesn't undermine their mission. The political maneuvering done by the majority over the last 2½ months has done nothing, nothing, but delay the delivery of tools and resources to our troops in the field, while outlining a very specific and dangerous blueprint for defeat.

Let's stop wasting time. Let's stop trying to rewrite the Constitution and the role of the Commander in Chief.

We have a choice. The majority can continue to play these partisan games, or we can get down to work. We have that choice. The brave men and women in our Armed Forces do not. Let's honor their sacrifice with leadership rather than political partisanship. The American people are watching, and so are our allies and our enemies around the world. We have a choice.

PRESIDENT BUSH'S FAILURES IN IRAQ AND THE NEED TO CHANGE THE DIRECTION OF THE WAR

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

Mr. SIRES. Mr. Speaker, 4 years yesterday, President Bush sent a strong message to the American people, to our troops, and to the world, that our mission in Iraq was accomplished. Can you imagine that?

Four years later it is clear that this was just one of the many miscalculations on Bush's administration's part. Over the past 4 years, we have lost more than 3,000 additional troops, tens of thousands more have been severely injured, and hundreds of billions of U.S. taxpayers' dollars have been spent. Now a dangerous civil war is being waged with no end in sight.

The American military did its job. Military experts agree that there is no military solution to the war in Iraq. That is why this Congress approved an emergency supplemental bill last week that sent a strong message to the Iraqi Government that this is the time to get their political house in order. American troops are not going to be there indefinitely.

Mr. Speaker, President Bush was wrong 4 years ago. He's wrong now as he vetoes this bill. It is time for the President to work with this Congress to come up with a plan to end this war.

AMERICA'S DEPENDENCE ON FOREIGN OIL

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

Mr. WALBERG. Mr. Speaker, one of the greatest national liabilities is our overwhelming dependence on Middle Eastern oil, and the men and women of

south central Michigan continue to stress to me the importance of diversifying our Nation's energy portfolio and advancing cleaner-burning, homegrown, renewable energy sources.

This week I will introduce legislation, the Energy Independence through Bio-Diesel Act, that will continue the process of moving our country towards energy independence.

Creating a national standard for biodiesel will encourage the technology and economies of scale necessary to make America the leader in renewable sources of energy.

The Energy Independence through Bio-Diesel Act would create a 2 percent standard for bio-diesel and amend the Clean Air Act to require that within 5 years all diesel fuel sold contains a 2 percent industry average.

Fifty-five billion gallons of diesel were consumed in 2005, and a 2 percent standard would create a 1.1-billion-gallon market. This standard will help spur the necessary investments in facilities and technological advancements needed in this alternative fuel industry.

I urge my colleagues to commit to diversifying our energy supply and lessen our dangerous dependence on foreign energy by supporting the Energy Independence through Bio-Diesel Act.

PRESIDENT BUSH'S VETO

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

Mr. WALZ of Minnesota. Mr. Speaker, 4 years ago today, President Bush landed for a photo opportunity on an aircraft carrier in front of a banner that said ''Mission Accomplished'' and declared an end to major combat in Iraq. Four years later this President refuses to even discuss the reality of a military mission that has entered its fifth year.

Yesterday the President vetoed only the second bill that has ever come to his desk. He called it a ''prescription for chaos and confusion.'' I ask, how is that different from what we have now? He refuses to even hold the Iraqis accountable for making political, economic or diplomatic reforms that he promised and they promised to make. He's holding up funding for our troops and for our veterans.

But what exactly is the President waiting for? Now that the President has rejected our legislation, he has the responsibility to tell the American people how many more years does he expect us to stay. Do you think it will be 5? Maybe 10? And what exactly do the ground conditions look like in order to have us beginning to withdraw? Wishful thinking, political talking points and rigid ideology do not make good foreign policy.

This President was wrong when he declared an end of combat operations, and he has been consistently wrong about every single thing in Iraq. It's time that this President works with the new Congress, elected by the majority of the American people, so that we can bring about a change to this war and truly secure America.

STOP THE POLITICAL GAMES

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

Ms. FALLIN. Mr. Speaker, this is a difficult time for our Nation. We are all war weary. We are all heartbroken over any loss of life, and we are all concerned about the cost of the war.

All Americans, Republicans, Democrats, and, yes, the President, want this war over as soon as possible. It's time to stop the political games and put the needs of our men and our women defending our Nation first.

The people of America want a solution to bring the troops home, but not at the expense of jeopardizing the safety and the future of our Nation. As a Nation, we must make a strong commitment and a declaration to the world that the United States will defend itself and will not tolerate terrorism, nor will we coddle terrorists or surrender or appease them.

The Commander in Chief vetoed a bill which sought to micromanage the war on terror, tie the hands of our generals, and provide a surrender date to the enemies. Congress must uphold the President's veto, set aside the cut-and-run attitude, the loser attitude, for good.

Where is the pride for the defense our Nation, the liberty and the freedoms that thousands of men and women have given their lives for in earlier years?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair would remind guests in the gallery that any expression of favor or disfavor for what is said on the floor is a violation of the rules.

THINGS ARE GETTING WORSE IN IRAQ AND PRESIDENT BUSH IS NOT WILLING TO TAKE THE WAR IN A NEW DIRECTION

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

Mr. PAYNE. Mr. Speaker, over this past weekend, five more American soldiers were killed in Iraq, bringing the number killed in April to over 100 U.S. soldiers. It was the deadliest month for American soldiers this year. Sadly, the total number of Americans killed now stands at 3,351, along with thousands of innocent Iraqi men, women and children.

The realities on the ground that our brave soldiers continue to face day in and day out stand in stark contrast to President Bush's pronouncement 4 years ago that major combat operations in Iraq were over.

If major operations were over 4 years ago, what have our troops been fighting the last 4 years? If indeed our mission was accomplished 4 years ago, as the banner behind the President on that aircraft carrier proclaimed, what are American troops still doing in Iraq?

If the President truly wants to bring our mission to a just conclusion, he should work with Congress instead of simply vetoing our funding bill as he did. It's now up to the President to decide if he will support accountability for Iraqis, benchmarks for success, and new direction in Iraq, for we cannot stay this course.

□ 1030

H.R. 2027, THE MILITARY PAY IMPROVEMENT ACT

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

Mr. BILIRAKIS. Mr. Speaker, under current law, military pay rates must be reasonably comparable to those in the private sector with similar skills, education, and experience.

Unfortunately, due to budgetary constraints over the years, the military pay increase has not always met this criteria and a ''pay gap'' was created. This gap is not only unfair to our brave men and women in uniform. It also has raised retention and readiness concerns.

For this reason, I have introduced H.R. 2027, the Military Pay Improvement Act, which would give them a minimum 3.5 percent pay raise.

Our Nation's brave men and women in uniform have fought gallantly to ensure the continued safety, security, and prosperity of this great Nation. I believe it is unacceptable that we task these men and women with extraordinary responsibilities especially, during wartime, and cannot compensate them accordingly. The debt we owe them for their sacrifices can never be repaid. However, my bill will take a small step in the right direction to show our appreciation for their valor.

I urge all my colleagues to cosponsor the bill.

COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
May 1, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to clause 5(a)(4)(A) of rule X of the Rules of the House of Representatives, I designate the following Members to be available for service on investigative subcommittees of the Committee on Standards of Official Conduct during the 110th Congress:

The Honorable ROB BISHOP
The Honorable MARSHA BLACKBURN
The Honorable ANDER CRENSHAW
The Honorable LINCOLN DIAZ-BALART
The Honorable PHIL ENGLISH
The Honorable TOM LATHAM
The Honorable FRANK LUCAS
The Honorable SUE MYRICK
The Honorable MIKE SIMPSON
The Honorable GREG WALDEN

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

PROVIDING FOR CONSIDERATION OF H.R. 1867, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

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. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, 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 Science and Technology. 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 Science and Technology now printed in the bill. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. 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 portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. 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.

SEC. 2. During consideration in the House of H.R. 1867 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

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

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 349 and insert extraneous materials into the RECORD.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, this rule permits the House to consider the National Science Foundation Authorization Act of 2007. This important legislation will be considered under an open rule with a preprinting requirement, allowing any Member to submit changes or improvements to the bill.

Chairman GORDON, Chairman BAIRD, Ranking Member HALL, Ranking Member EHLERS, and the Science and Technology Committee have put together an excellent product, and I look forward to an open and constructive debate.

I am proud that today's debate will shine a light on the National Science Foundation. The National Science Foundation is truly one of the Federal Government's greatest accomplishments. It features a rich tradition that has supported talented young investigators, made America the world leader in basic science and innovation, and laid the groundwork for the Nation's economic strength.

This reauthorization also represents another important step in the implementation of the innovation agenda. By boosting scientific research and development, moving the Nation toward a clean energy economy, promoting broadband deployment, and supporting small business entrepreneurs, the innovation agenda will keep our promise to maintain and strengthen America's competitiveness and leadership in the global economy.

At present the National Science Foundation supports research and education activities at over 2,000 universities colleges, K–12 schools, and research institutions throughout the country. It is unique among our Federal research enterprises in that NSF supports scientists and engineers across all disciplines.

In a given year, NSF will support about 200,000 scientists, engineers, teachers, and students. That is why NSF has led to groundbreaking research in such varied fields as genetics, computer science, information technology, nanotechnology, and climate change.

By way of example, in my district, NSF funds the UC Davis Center for Biophotonics Science & Technology. The center features dynamic and innovative research that harnesses light to facilitate revolutionary advances in biomedical science. The potential applications for medical research and treatment are groundbreaking and will offer hope to thousands of our constituents. That is the kind of research NSF supports.

I would also like to point out that NSF resources are distributed on a competitive peer review basis; so an objective process allows for only the most worthy proposal to receive funding. This is the best kind of investment the Federal Government can make because the return on this investment is tremendous. By stimulating innovative research, we create educational opportunities for promising students and drive cutting-edge research throughout the country. There is no better way to fuel the economy and create quality jobs. That is why the National Science Foundation has broad and bipartisan support in Congress.

This reauthorization provides $21 billion at NSF for fiscal years 2008 through 2010. In doing so, it keeps us on the path to double the National Science Foundation funding by 2017. This was a key recommendation of the highly respected National Academy's report on U.S. competitiveness, ''Rising Above the Gathering Storm.'' And this boost is urgently needed, since today NSF can only fund about a quarter of the grant proposals that are submitted.

The bill also creates a pilot program targeted at new investigators so we can bring more talented young people into scientific research fields, and it directs NSF to facilitate public-private partnerships, a proven method to leveraging Federal investment and bolstering American competitiveness.

Finally, this reauthorization bill is on the Agency's legacy of promoting math and science education by including the provisions of H.R. 362, the 10,000 Teachers, 10 Million Minds Math and Science Scholarship Act, which the House passed last week.

With that, I thank the Science Committee once again for this excellent legislation. I look forward to a robust debate on this bill, and I hope we can work with the Senate to get it on the President's desk in short order.

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

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from California for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, the National Science Foundation plays an important role in making sure that our Nation is a global leader in the fields of science and engineering. This Federal agency provides critical support for researchers, educators, and students in science, technology, engineering, and mathematics. Specifically, Federal support allows American

scientists to pursue high-risk, high-return fields that increase our Nation's competitiveness and scientific knowledge, and it ensures we are able to attract the brightest minds to our colleges and universities.

One area in which the National Science Foundation is supporting U.S. leadership in the sciences is in the Laser Interferometer Gravitational Wave Observatory Program, or ''LIGO'' for short. The LIGO program, which operates an observatory in Central Washington in my district, is trying to detect for the first time the existence of gravitational waves, which have been sought by physicists around the world since they were theorized by Albert Einstein. Their discovery would lead to a greater understanding of the makeup of the universe and would help solidify our Nation's lead in the field of physics and astrophysics.

The President's fiscal year 2008 budget provides for the expansion of LIGO and nearly doubles funding available for the LIGO Hanford Observatory to allow for more advanced research. I am pleased that the National Science Foundation Authorization Act supports this proposed expansion.

The LIGO program is not only an important investment in our Nation's science capability, but it also has been an instrument of learning for local communities. The LIGO's Hanford Observatory was recently awarded one of the first ever Science Education Advocate Awards by the Washington State Leadership and Assistance for Science Education Reform, a partnership of public schools and science institutions. LIGO is an excellent example of the National Science Foundation's dedication to funding world-class research while also helping to grow students' interest in the sciences.

Mr. Speaker, if America is to continue to lead the world in science and the pursuit of knowledge, funding for the National Science Foundation is essential. The underlying legislation authorizes the National Science Foundation for 3 years at strong levels needed to maintain and strengthen research through the foundation.

But, Mr. Speaker, I am once again disappointed that the Democrat majority has once again missed an opportunity to provide consideration for the National Science Foundation Act under an open rule that would allow all Members of the House to come to the floor and offer an amendment during consideration of the bill. The National Science Foundation was last authorized in 2002, and at that time, the Republican majority allowed the bill to be considered under a truly open rule. I am disappointed that the Democrat majority has pledged a new era of openness but so far has not lived up to their commitment. Instead, it frankly has tried to change the definition of what an open rule is.

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

□ 1045

Ms. MATSUI. Mr. Speaker, I am very much looking forward to the upcoming debate on the National Science Foundation reauthorizing that this rule allows. In discussing the various programs and initiatives at NSF, we will demonstrate how the Federal Government can strategically and effectively drive scientific discovery and innovation.

The importance of the National Science Foundation and its mission must not be underestimated. While America has been blessed with abundant natural resources and defensible borders, it is the innovative spirit of our citizens that has driven this Nation's leadership in the global economy.

Throughout our history, we have been willing to experiment, to take risks, to constantly redefine what is possible. That tradition has given us a competitive advantage over other countries that has created prosperity for the Nation, improving the quality of life for all our constituents.

As Members know well, our leadership in the global economy is at risk today. While we face rising threats from countries like India and China, we have also failed to make the necessary investments in education, science, and research and development to maintain the foundation of knowledge that has served us so well in the past.

This NSF reauthorization takes great strides to remedy that neglect. Most importantly, by committing to double NSF funding over the next 10 years, we demonstrate that ensuring the Nation's competitiveness is of the highest priority.

As the House continues to consider items from the innovation agenda, the importance we place on competitiveness will be demonstrated again and again.

With that, I look forward to today's debate and continuing to move forward on measures like this one that will bolster innovation and competitiveness.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 350

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. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, 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 Science and Technology. 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 Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. 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 9 or 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.

SEC. 2. During consideration in the House of H.R. 1868 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. SUTTON. Mr. 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.

I yield myself such time as I may consume, and I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 350.

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

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 350 provides for consideration of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, under a structured rule.

The rule provides 1 hour of general debate to be controlled by the chairman and the ranking minority member of the Committee on Science and Technology.

The rule makes in order five amendments printed in the Rules Committee report, each with 10 minutes of debate. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I speak today in support of House Resolution 350 and H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, a bill which provides essential funding to the National Institute of Standards and Technology for the next 3 fiscal years.

The United States Commerce Department's National Institute of Standards and Technology strives to promote U.S. innovation and industrial competitiveness through the advancement of measurement science, standards and technology. Through numerous individual laboratories, the NIST makes important scientific contributions to numerous scientific fields, from building and fire research to computer security to biotechnology.

This bill will enhance the important mission, putting the NIST on a path to double its budget by the year 2017. With this additional funding, the NIST will continue to make important contributions to public safety, industrial competitiveness and economic growth.

This bill also allocates funding for the Manufacturing Extension Partnership, also known as MEP. These MEP programs leverage Federal, State, local and private investments to stimulate new manufacturing processes and technologies. These new processes and technologies are a key component for ensuring that American manufacturers have the tools to compete effectively and efficiently against overseas manufacturers.

The MEP program has proven remarkably effective in my home State of Ohio, where small and midsize manufacturers face limited budgets, in-house expertise and access to the newest technologies. MEP assistance providing training, expertise and services tailored to the critical needs of Ohio's small and midsize manufacturers have made a big difference. Through this assistance, manufacturers in Ohio have increased productivity, achieved higher profits and remained competitive by providing the latest and most efficient technologies, processes and business practices.

In 2006, as a direct result of MEP assistance, my State enjoyed over $150 million of new investment and over $500 million in increased or retained sales. Companies in Ohio participating in the MEP reported cost savings of over $100 million. Through the continued funding of this vital program, we can bring these vast benefits to even more small manufacturers across the country.

Finally, and very importantly, this bill allocates funding for the new Technology Innovation Program, which funds high-risk, high-reward, precompetitive technology development by small and medium-sized companies. The goal of this program is to accelerate the development of technologies that will have a broad economic impact on our technology market.

Harvard Professor Daniel Bell once said that ''Technology, like art, is a soaring exercise of human imagination.'' It is through the National Institute of Standards and Technology, the Manufacturing Extension Partnership and the Technology Innovation Program that technology is given the wind that it needs to soar. Even more importantly, through this bill, small and midsize manufacturers will be given the support they need to compete with larger competitors in overseas businesses.

This bill will not only provide assistance to American companies, like the 1,773 companies in Ohio that were helped by the Manufacturing Extension Partnership, but it will also create a stronger and more vibrant American technology industry. This is a good bill, and it deserves our support.

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

Mr. SESSIONS. Mr. Speaker, I rise today in strong support of promoting technological innovation, bolstering the strength of our manufacturing industry and contributing to the overall global competitiveness of American business. However, I simply cannot support the closed rule process brought forward today by the Democrat majority that prevents all but one Republican amendment from being considered by the House.

This rule represents a substantial break with recent precedent because the last time that a comprehensive reauthorization of the National Institute of Standards and Technology was brought to the Rules Committee, the Republican majority provided the House with a completely open rule for its consideration. I know this, Mr. Speaker, because I had the privilege of managing that rule for our majority, and the Democrat minority position was then ably handled by the current chairman of the Rules Committee, my good friend Chairman LOUISE SLAUGHTER.

Unfortunately, Chairwoman SLAUGHTER seems to have forgotten the merits of providing the House with an open rules process because today the committee that she chairs has provided the House with a closed process, through a restrictive rule, not an open rule, even using the more lenient definition of an open rule currently being employed by the Democrat majority, which under Republican leadership was reserved for modified open rules.

I include for the RECORD a copy of this rule, H. Res. 474, which provided for the consideration of H.R. 2733, the Enterprise Integration Act of 2002, to remind the majority that NIST reauthorization is, in fact, possible to do under an open process.

H. RES. 474

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. 2733) to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration. The first reading of the bill shall be dispensed with. 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 Science. 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 substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. 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.

Despite my objection to the rule, I do want to support the underlying legislation which makes a number of positive changes to an institution with a long history of helping to keep America globally competitive.

Since its inception in 1901, the National Institute of Standards and Technology has worked diligently to achieve its mission of promoting U.S. innovation and industrial competitiveness by advancing measurement, science, standards and technology in ways that enhance economic security and improve the quality of life.

By focusing on its core mission of stimulating innovation, fostering industrial competition and competitiveness and improving quality of life, the NIST has become a valuable component in the ongoing struggle that the United States faces to remain globally competitive.

This legislation authorizes appropriations for NIST for the next 3 years, most notably doubling the Federal Government's investment in physical

science research, as proposed by President Bush's American Competitiveness Initiative. And this increased investment will yield real-world benefits across a number of diverse sectors, including developing performance standards for bullet-proof vests for our military and law enforcement, chemical and biological protection equipment for first responders, and measurement standards vital to leading-edge industries like nanotechnology and next-generation solar cells that will help America increase its energy independence.

This legislation strengthens oversight by requiring the NIST director to submit annual programmatic planning documents to Congress, ensuring that the NIST budget is spent on activities that meet the needs of American industry, and that the increased funds which the NIST is being entrusted with are spent wisely.

This legislation also takes steps to ensure the continued viability of the workhorses of the American economy, small and medium-size manufacturers.

□ 1100

By reauthorizing the Manufacturing Extension Partnership program, Congress will help countless domestic manufacturers to improve their manufacturing processes, reduce waste and to train workers to use new equipment.

Mr. Speaker, I do appreciate the work of Chairman BART GORDON and my good friend, the ranking member of the committee, the gentleman from Rockwall, Texas, Mr. RALPH HALL, for all of their hard work and bipartisan cooperation on this legislation.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy for this legislation.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1868—TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007, MAY 1, 2007

The Administration opposes House passage of H.R. 1868 in its current form. The bill conflicts with the administration's Research and Development Criteria by diverting funds from critical, high-return basic research to support subsidized management consulting activities and a Technology Innovation Program (TIP) modeled on the Advanced Technology Program that was proceeding toward termination last Congress, as the Administration has proposed for the past five years. These external commercial support programs would be authorized at a total of $223 million in Fiscal Year 2008, and would increase by more than 18 percent in FY 2009. The Administration does not support the level of funding or the focus and structure of the programs as currently reflected in the bill. The Administration recognizes that a Manager's Amendment may be offered that is intended to improve the bill by refocusing TIP awards on areas of national need. However, the bill still permits grants to large corporations, limits the role of universities and national laboratories, and does not target major societal challenges.

The Administration continues to believe that investing in basic research is a higher priority. Last year the President proposed doubling support for high-payoff physical science research in the National Institute of Standards and Technology (NIST), the National Science Foundation, and the Department of Energy's Office of Science over the coming decade as part of the American Competitiveness Initiative (ACI). Compared with the amounts required to double NIST's core research and facilities funding, H.R. 1868 provides $22 million less in FY 2008 than the President requested and authorizes less funding than the Administration recommends in FYs 2009 and 2010. Such investment in NIST's core measurement and standards capabilities has demonstrated a significant, and often exceptional, return to the economy. Studies commissioned by NIST to evaluate the economic impacts of its core standards activities generally show benefits far greater than costs—the benefit-cost ratio across 19 of these studies averaged 44:1, indicative of the great leveraging of NIST's work in the economy. The research funding increases for NIST proposed in the ACI have been broadly endorsed by the science community, most recently in the ''American Innovation Proclamation''—a package of targeted recommendations by America's business and higher education leaders.

The House bill would divert NIST resources from core basic research activities toward less meritorious industrial policy. The Administration urges the House to amend the bill to address these concerns.

But despite my support for the legislation's goals, I encourage my colleagues to oppose this rule, so that this legislation can be considered under an open rule process that gives every single Member of this body with a germane amendment an opportunity to come down to the floor and to make their case.

Mr. Speaker, the essence of what we are here to do today is to help America to become more competitive in the global process. By doing this, what we are saying is that by working with the NIST, it is a collaboration that the government has on behalf of and in particular for technology.

Technology is what ultimately will drive America well into this new century to make sure that we solve problems, problems that have existed. Maybe they are mathematical problems, perhaps they are problems of trying to get people to work with new equipment that they may have. But the technology angle and the ability that the Federal Government has to take a proactive stand on behalf of American competitiveness is the essence of this bill.

For a long time, we have spoken on this floor, Member-to-Member and as a body, about how important it is for America to understand the global competition that faces America. Today is an opportunity for us to come together here in this Congress to make sure that we are talking not only about that which will help America, but to continue something that we have been doing since 1901, and that is a government program that works well with the private sector to make sure that America is poised in its future to be prepared for what lies ahead.

Mr. Speaker, at this time, I would like to yield 8 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, let me just thank my former colleague on the Committee on Rules, Mr. PETE SESSIONS, the gentleman from Texas. I realize as we get busy running from pillar to post around here, that he was in the process of wrapping up, and it is awfully kind of him to go kind of out of regular order and give me the opportunity, knowing how committed I am to this program, to take a few minutes. I appreciate so much that opportunity.

I do rise to support the underlying rule and the bill, H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007. I want to take the opportunity to thank my chairman on the Subcommittee on Technology and Innovation, DAVID WU from the great State of Oregon, for incorporating into this bill the many suggestions and additions from our colleagues on both sides of the aisle, as well as the administration. The final legislation is a better product because of that, and, DAVID WU, I thank you so much.

Last year, with his American Competitiveness Initiative, President Bush provided a vision to maintain America's position in the global marketplace by actually doubling the investment in physical science research over the next 10 years. H.R. 1868 helps fulfill that mission.

Mr. Speaker, the purpose of this bill is to authorize appropriations for fiscal years 2008, 2009 and 2010 for the National Institute of Standards and Technology, NIST we know it as. It is an agency in the Department of Commerce and one of the three agencies highlighted by the President's American Competitiveness Initiative.

NIST has an annual operating budget of about $843 million. It operates in two locations. The headquarters, of course, are in Gaithersburg, Maryland, I have had a great visit there with Dr. Jeffrey, the Director. There is also the facility at the University of Colorado in Boulder.

NIST employs 2,900 scientists, engineers, technicians and administrative. These employees all play a critical role in this research, which enables cutting-edge technologies to make the leap from basic research into successful commercial products. NIST labs accomplish this goal by conducting research that supports United States technology infrastructure by developing tools to measure, evaluate and standardize processes and products in almost all industrial sectors.

For example, NIST labs develops performance standards for bulletproof vests, chemical and biological protection equipment guides for first responders, measurement standards vital to sustaining cutting-edge industries like nanotechnology, we are doing some great work at my alma mater, the Georgia Institute of Technology, on nanotechnology, and, of course, next generation solar cells.

The Technology Innovation and Manufacturing Stimulation Act codifies

the American Competitiveness Initiative by authorizing 3 years of the proposed 10-year doubling for NIST laboratories and construction budget. That indeed is exactly what the administration asked us to do. That is exactly what Chairman WU has done and the Science Committee has done.

H.R. 1868 also strengthens oversight of NIST programs by requiring the director to submit to Congress annual programmatic planning documents and requiring NIST's Technical Advisory Board to comment on those plans. This will ensure that the budget of NIST is spent on activities that meet the needs of American industry and that Congress is kept abreast of how NIST plans to use its increased funding.

Manufacturing is so fundamental, Mr. Speaker, to our Nation's economic vitality. Manufacturing jobs continue to pay more than the average U.S. salaries and they provide better benefits.

Mr. Speaker, a strong manufacturing base is so critical to U.S. economic competitiveness. H.R. 1868 supports small and medium-sized manufacturers by reauthorizing the highly successful Manufacturing Extension Partnership. I know every Member is enthusiastic about Manufacturing Extension Partnerships. We refer to them as MEPs. They are wonderful. They are great programs. They help businesses improve manufacturing processes, reduce waste, they train workers to use new equipment.

The MEP program receives one-third of its funding from the Federal Government, one-third from the States, and, yes, one-third from fees charged to the participating small businesses, these potential small business manufacturers. This MEP program has over 350 offices located in all 50 States and Puerto Rico. In my great State of Georgia, and again, I mention my alma mater, Georgia Tech, plays a critical role in successfully coordinating the efforts across the State for these MEP programs.

H.R. 1868 improves the MEP program by incorporating changes that have passed the House in both the 108th and 109th Congresses. These changes include the codification of an MEP advisory board, the establishment of grant programs to research and identify innovative manufacturing technologies and the formation of research fellowships.

I know my colleagues and I can all agree that small and medium-sized manufacturers are the workhorses of our economy. Their future depends on our ability to foster an innovative environment which will enable them to continue developing and adopting advanced technologies that allow them to remain competitive in the ever-increasing global marketplace.

Our country's current system of collaboration with university and national lab-based basic research is the best in the world. However, many experts agree that in the phase between science-based "inventions" and commercially viable "innovation," inefficiencies exist in our capital markets that contribute to the funding gap for early stage technology development.

Currently, the Advanced Technology Program at NIST provides cost-shared funding to bridge the technology development gap for research with potential to deliver widespread economic benefits that would likely not be developed because private sector capital is unavailable.

H.R. 1868 repeals the Advanced Technology Program, ATP, and establishes the Technology Innovation Program, TIP, which will award cost-shared grants to small and medium-sized businesses and joint ventures including universities to pursue high-risk technologies with potential significant broad benefits to the Nation.

The new Technology Innovation Program incorporates recommendations made by the Bush administration to improve and update the former ATP program to make it more effective in promoting technology transfer that will benefit our entire Nation.

Mr. Speaker, past ATP funding advanced technologies for the next-generation auto equipment and techniques including: robotic welding, ceramic coatings, and reinforced plastics as strong as steel. One project dramatically improved the fit of a car body's 300 stamped parts. This advancement may save consumers and automakers up to $650 million in annual maintenance costs.

Mr. Speaker, I again want to underline my whole-hearted support for the underlying legislation and urge my colleagues to do the same.

Mr. Speaker, let me just say that what we are doing here today in regard to the NIST program is so important to our economy. We worry about jobs. We worry on both sides of the aisle. We talk about that. Every month we look at the number of jobs that were created. It is a barometer that is watched so closely by the Members of Congress, both Republican and Democrat, and by the people back home.

This is really what this is all about, these kinds of programs. We can fight about a lot of things, but we shouldn't fight about funding the National Science Foundation and the NIST program and the Manufacturing Extension Partnership and anything like that, like last week when we passed those two bills to improve math and science education in this country.

We have to compete globally. Yes, we are in a shooting war in the Middle East and we want to give our soldiers an opportunity to win, but we need to give ourselves an opportunity to win this economic battle of the global economy, and that is what it is all about.

Mr. Speaker, I want to again underline my whole-hearted support for the underlying legislation. I urge my colleagues, as I know they will, to support it.

Ms. SUTTON. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WU), the chairman of the Subcommittee on Technology and Innovation.

Mr. WU. I thank the gentlewoman.

Mr. Speaker, I rise in support of the rule for consideration of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007. H.R. 1868 is a bill which will bolster innovation and our manufacturing base and enhance national economic competitiveness.

The bill was ordered reported by a unanimous vote of the Committee on Science and Technology on April 25, 2007. The bill puts the National Institute of Standards and Technology, NIST, on a 10-year path to doubling as an investment in our innovation future.

H.R. 1868 is a comprehensive authorization bill for NIST's Scientific and Technical Research and Services, Industrial Technology Services and Construction Research Facilities accounts. NIST has not had a comprehensive authorization bill since 1992.

I want to highlight that H.R. 1868 is a bipartisan product of the Science and Technology Committee. I worked closely with Ranking Member HALL and with Dr. GINGREY. I want to thank Dr. GINGREY for coming to the floor and speaking on behalf of this bill and rule this morning. I worked closely with Dr. EHLERS in developing this legislation. They were original cosponsors of the bill.

We adopted several amendments at the subcommittee and full committee markup, and we have a stronger bill as a result of this bipartisan effort.

This bill has been endorsed by TechNet, the Alliance For Science & Technology Research in America, the American Small Manufacturers Coalition, the American Association of Universities, the National Association of State Universities and Land Grant Colleges and dozens of other organizations, companies and individuals.

Mr. Speaker, the Rules Committee has crafted an appropriate rule, and I would urge my colleagues to support the rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, as you can see by the last two speakers, the gentleman from Georgia (Dr. GINGREY) and the gentleman from Oregon (Mr. WU), they have approached this subject not only in a bipartisan way, but with a genuine friendship to each other in trying to promote NIST as well as American competitiveness. I think this flows all the way to the top, where Chairman BART GORDON and ranking member RALPH HALL have worked very diligently on this. I think it is a good thing when we are able to work in the Congress on behalf of the American people, in this case for the NIST laboratories.

I would like to talk for just a minute, if I can, about more of what they do, because I think it is an interesting exercise to go through.

Between 3 and 6 percent of the U.S. gross domestic products is attributed to measurements and measurement-related operations that rely on the NIST for accuracy, reliability and for international recognition. The NIST X-ray standards and proficiency tests ensure proper radiation exposure levels in

more than 9,000 facilities that perform more than 30 million mammograms yearly.

The NIST Internet time services are being used by NASDAQ, a key component of our wonderful American system of financial integrity, for NASDAQ members to time stamp hundreds of billions of dollars worth of stock trades and other financial transactions that are conducted in business every single day.

The United States, for the last 35 years, has helped the Federal Bureau of Investigation, the FBI. During part of that time my father, for eight of those years, served as Director of the FBI.

□ 1115

The NIST helps improve the process of matching fingerprints found at crime scenes or collected from suspects with those that are on file. In cooperation with the American National Standards Institute, the NIST also developed a uniform way for fingerprint identification data to be exchanged between different jurisdictions and between scanning machines made by different manufacturers.

The Malcolm Baldridge National Quality Award, the Nation's highest honor awarded by the President of the United States to U.S. organizations for their performance excellence in quality achievement, is managed by the NIST, and the award criteria are used by thousands of companies, hospitals, and schools to improve their products and services all across the United States.

The total economic benefit of the NIST Baldridge National Quality Program, which receives only a small amount of Federal funding, is estimated at almost $25 billion for a stunning benefit-cost ratio of 207 to 1.

Mr. Speaker, we are talking about something that is a laboratory that all Americans can be proud of. I came from a research organization years ago in New Jersey where I had a chance to also work in a lab. This lab is an asset to America. But, Mr. Speaker, it is part of an overall comprehensive and complex way that the United States chooses to do business not only in this country, but also to lead the world.

I found it interesting that just a few weeks ago there was a report issued by the Financial Times, which is a newspaper that reports on international monetary circumstances, and it reported that now the 25-member EU countries have a combined GDP that equals that of the United States of America, 25 member countries from the EU. But if you read on, you see that they now have a combined GDP that equals the United States where we were in 1985.

America truly is the world leader. We are the world leader in commerce and activities that create better lives for people. The EU is struggling. They are struggling because of high taxes, rules and regulations, and a single-payer system in health care, those things that we here in the United States Congress also debate and talk about.

And because we have a chance to have something like the NIST as well as a free-enterprise system that is vibrant here in America, because we shut off the heavy rules and regulations, the heavy taxation, and those things that would be related to a single-payer system for health care, we have been able to move America economically in the world marketplace.

So Republicans today come to the floor in full appreciation and respect with our colleagues to say we want to continue what this lab does, but we are also asking for them at the same time to recognize that growing medium and small business, ensuring that America stays competitive, and, most importantly, that we are prepared for the future where our competitors might be is what really this Congress should be doing.

Today is a small piece, part, a component of that competitiveness model that will keep America going, and I am proud to be a part of that.

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

Ms. SUTTON. Mr. Speaker, it is time we put some teeth behind our rhetoric about helping our manufacturers and promoting innovation and industrial competitiveness. While there are many things that must be done on many different fronts to see real improvements, passing the Technology Innovation and Manufacturing Stimulation Act today is one very positive action we can take for manufacturers in Ohio and across the Nation.

It also tells those involved in measurement science, standards and technology, and those working to contribute to public safety, industrial competitiveness and economic growth that we are behind their efforts.

As I said earlier, when we support the National Institute of Standards and Technology, the Manufacturing Extension Partnership, and the Technology Innovation Program, we are not only talking the talk, we are walking the walk. For this reason, I urge a ''yes'' vote on the previous question and on the rule.

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

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

There was no objection.

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 1429, IMPROVING HEAD START ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 348 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 348

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. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, 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. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. 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 9 or 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.

SEC. 2. During consideration in the House of H.R. 1429 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, House Resolution 348 provides for consideration of H.R. 1429, the Improving Head Start Act of 2007, under a structured rule.

The rule provides 1 hour of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor. The rules waive all points of order against the bill except those arising under clauses 9 or 10 of rule XXI. The rule makes in order and provides appropriate waivers for 12 amendments, all contained in the committee report.

Mr. Speaker, for more than 40 years Head Start has served as the premier educational and developmental program for more than 20 million American children and families. Head Start works. It works because it is a well-researched, comprehensive initiative that combines children's educational needs with health care and parent outreach.

This comprehensive approach to child health, nutrition and learning is one of our best tools to tackle the achievement gap in education for children living in poverty across our Nation.

The achievement gap begins far before children enter elementary school. Head Start tackles the achievement gap through cognitive, social and emotional child development, each of which is a key contributor to entering elementary school prepared to succeed.

Today 20 percent of America's 12 million children under age 6 live in poverty. We know that a family's income level greatly affects their children's access to educational opportunities. The reality of poverty for so many children, unfortunately, is tied to low success rates in our classrooms. This is true in my home State of Florida. In my community in the Tampa Bay area, over 5,300 children currently are served by Head Start, but many thousands more are on waiting lists and are eligible.

They are on waiting lists because for so many years previous Congresses have failed to reenact Head Start, and the White House has proposed flat-line budgets, so our kids merely have been treading water. With no improvements or increases in funding since 2003, and inflation going up, it has become more difficult to maintain the well-known, high-quality elements in Head Start.

The good news is that this new Congress will change that today and make the smartest investment for our country's future workforce. We are going to put more kids on the path to success when we pass this bill and rule today.

This bill will improve teacher and classroom quality, strengthen the focus on school readiness, expand access to thousands more children across America, strengthen comprehensive services, increase the number of children in early Head Start, because we are a lot smarter these days based upon the research that has been done on early child development and the development of the brain. We are going to allow homeless children to enroll, and we are going to do a better job, my colleague from Florida, for children who are just learning English.

On Monday, I paid a visit to the West Tampa Head Start Center and delivered books to the kids and teachers to mark the four decades of smashing success of this holistic, wraparound initiative that empowers all of us. These children are eager and ready to learn if we give them the tools.

We need to raise strong and healthy children. Head Start prepares children to succeed in school and in life. The administration's slow-motion cuts of Head Start over past years will now be reversed. The American people stood up in November and asked for change, and today we are going to stand up for them.

□ 1130

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentlewoman from Florida (Ms. CASTOR) for the time, and I yield myself such time as I may consume.

It is very important for the future of our children that they develop the skills and receive the education necessary to make them a success later in life. Unfortunately, many children begin their education without the proper foundation, putting them at a disadvantage that has long-term effects on their education.

We must do all we can so that low-income children do not begin their education at a disadvantage. That is why the Head Start program was created.

In order to give children the proper foundation they need to begin their education, the Head Start program provides comprehensive early childhood education development services. These services include child development, educational, health, nutritional, social and other activities. These services prepare children to enter kindergarten and for their continued educational success.

In fiscal year 2005, the Head Start program provided developmental services to over 900,000 children, 35,000 of them in my State of Florida. Most of the children that receive the critical developmental skills offered by the Head Start program come from low-income families, and at Head Start they receive the early educational foundation to do well in their later education and hopefully break the chain of poverty.

The underlying legislation being brought to the floor today builds on the success of the program and improves its weaknesses. It authorizes over $7 billion for fiscal year 2008, strengthens Head Start's academic standards by emphasizing cognitive development and topics critical to school readiness.

It is important that the children in Head Start receive the best education possible. There are, Mr. Speaker, several provisions in the underlying legislation that I believe will help with this goal. First, the bill seeks to ensure that a greater number of Head Start teachers are better trained and educated in early childhood development, particularly in fundamental skills such as language, pre-reading and pre-mathematics, within 2 years.

Competition encourages better quality. As recommended by a 2005 GAO study, the bill seeks to increase competition among Head Start grantees to help weed out poor performers and offer stronger programs.

The bill also seeks greater transparency and disclosure regarding how Head Start funds are spent. This will help to fight financial abuse and further ensure that Federal Head Start funds reach the disadvantaged children that they are meant to serve.

Yesterday, in the Rules Committee, Mr. Speaker, Resident Commissioner FORTUÑO offered an amendment to this legislation to allow religious organizations to not ignore religion in their hiring practices. The provision was included in previous Head Start reauthorization bills. However, the majority on the Rules Committee blocked that amendment from consideration today by the full House.

Head Start has a proud history of inclusion of faith-based organizations. Approximately 80 grantees have religious affiliations. Without the Fortuño amendment, faith-based Head Start grantees may decide to stop offering Head Start programs. That would hurt the children in those programs.

In 2004, the Department of Health and Human Services issued regulations requiring any organization that receives direct financial assistance from the Department, such as Head Start, to not engage in inherently religious activities such as worship, religious instruction or proselytizing as part of the program or services funded by HHS. So objections to the Fortuño amendment, in my opinion, are unfounded.

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

Ms. CASTOR. Mr. Speaker, I anticipate on the floor of the House today we will hear some debate over the role of faith-based organizations in Head Start. Republicans would like language that would repeal existing civil rights protections in this Head Start law that ensure the program's Federal funds discriminate, and we are opposed to that.

No citizen should have to pass a religious test to qualify for a publicly

funded job. That is exactly what some on the other side of the aisle will attempt to do today.

Religious organizations who run Head Start programs are not asking for this change. They have written us to oppose it. Head Start teachers and staff should be chosen because they are qualified and they are effective teachers who will help children succeed and thrive. Hiring and firing decisions should not be made because of a teacher's religion.

This is part of an ongoing attempt, I am afraid, by some on the other side of the aisle to make religion a wedge issue.

Democrats strongly support faith-based organizations running Head Start programs, and H.R. 1429 on the floor today specifically reaffirms that faith-based organizations may run Head Start programs.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH), my colleague from the Rules Committee.

Mr. WELCH of Vermont. Mr. Speaker, I would like to thank my colleague from Florida for her national leadership on an issue of national importance, Head Start.

Later today I will be joining with my colleagues, Representative SPACE from Ohio, Representative HARE from Illinois, and Representative ALTMIRE from Pennsylvania to offer an amendment that will require the Secretary of Health and Human Services to pay special attention to the unique needs and challenges that our rural kids face to have access to Head Start.

This is a great program, as was described by my colleague from Florida, but there is a misconception oftentimes that Head Start is about urban America, poor kids from cities. In fact, there are many poor kids from rural America that benefit from access to Head Start, and as a federally funded national program, we know the different communities have different needs.

The National Advisory Committee on Rural Health and Human Services, in fact, acknowledged this when it issued a report that found several issues to be particular challenges for rural America in access to Head Start: transportation, workforce, enrollment fluctuation, performance standards, health requirements and financial matching.

What we know is that one size does not fit all, but what we also know is the opportunity for all is an essential American goal.

This amendment, when it is offered, is directing the Secretary to make certain that those special challenges that our rural kids face in America are included in an execution plan so that there will be opportunity for the rural kids as well as the urban kids.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON), the distinguished ranking member of the Education and Labor Committee.

Mr. MCKEON. Mr. Speaker, I rise in opposition to this rule and appreciate the gentleman yielding time.

To be blunt, the rule before us is not worthy of the bill we will be debating in just a short while. Let me be clear at the outset. I support the improving Head Start Act and will vote for its final passage later today. However, the rule before us restricts debate and provides very little opportunity to improve this bill.

While I appreciate the Rules Committee making in order a few Republican amendments, including ones offered by my Education and Labor Committee colleague, Mr. PRICE of Georgia; my former committee colleague, Mr. PORTER of Nevada; and my friend, Mr. PUTNAM, this rule is defined more by what it does not include than what it does include.

Yesterday, Mr. Fortuño submitted to the Rules Committee an amendment to protect the civil rights of faith-based organizations wishing to provide services to Head Start children. In the aftermath of September 11, Hurricane Katrina or any other tragedy, faith-based organizations have been among the first to reach out a hand in service to those impacted by the event. It does not take a large-scale catastrophe to rally faith-based organizations into action, however. These groups are working to assist their fellow Americans each and every day, focusing on issues from job training to child care and everything in between.

Too often the Federal Government has ignored or impeded the efforts of faith-based organizations willing to lend a helping hand in providing critical services to the neediest in our communities. Mr. Fortuño's amendment would have protected the rights of faith-based groups to fully participate in serving Head Start children without relinquishing their religious identities. And the majority turned it away.

Mr. Speaker, they turned it away even though the 1964 Civil Rights Act made clear when faith-based groups hire employees on a religious basis, it is an exercise of the group's civil liberties. They turned it away even though in 1987, the U.S. Supreme Court unanimously upheld this right. And they turned it away even though former President Bill Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive Federal funds.

In its place, they allowed us to debate an amendment that applauds the work of faith-based providers but fails to protect their civil rights. This hollow amendment may provide certain Members of the majority political cover, but in reality, it does nothing to protect the constitutional rights of faith-based organizations seeking to serve Head Start students.

This is just one example, the most significant of all, of how this rule is not worthy of the bill we will be debating later today, and so I urge my colleagues to oppose this rule.

Ms. CASTOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON), my colleague from the Rules Committee.

Ms. SUTTON. I thank the gentlewoman for her leadership and for yielding the time.

Mr. Speaker, I rise today in strong support of the rule and of H.R. 1429, the Improving Head Start Act of 2007.

Head Start is vital for our children in high-need areas, providing them with programming critical to their cognitive development, from math and reading instruction, to nutritional and social services for students' families.

In 2006, over 900,000 children, almost all of them under 5 years old, participated in Head Start.

In my home State of Ohio, Head Start serves more than 38,000 young people, including more than 2,500 children in my congressional district alone. These children come from some of the most high-need families in our Nation, and Head Start does exactly what its name suggests. It gives these children a head start, helping them achieve at or above their age level by the time they leave the program.

Unfortunately, children in families facing difficult economic situations often begin school behind their wealthier peers. Head Start achieves amazing results for these children and is often the only program keeping them from falling behind.

Despite the crucial role Head Start plays in the lives of hundreds of thousands of American children, Congress has neglected them has neglected to reauthorize or adequately fund this program for the past 4 years.

This important legislation authorizes funding for Head Start through fiscal year 2012 and makes a number of long overdue improvements to the program.

Our bill increases funding for teacher and staff salaries and benefits and will improve the classroom environment by lowering the student-to-teacher ratio. These changes will give our hard-working teachers and other educational staff more opportunity to work with their students and improve their academic performance.

This legislation also helps program hire and retain qualified teachers and staff by increasing salary and benefits and supporting professional development plans. And this bill will expand access to 10,000 additional children.

This Congress is making a commitment to our children and the Head Start program, and it is critical that we do so. Research has shown that children attending Head Start are more likely to graduate from high school than other low-income children. Research has also proven that children who attend Head Start are less likely to enter special education, are less likely to repeat a grade and are less likely to end up in the criminal courts in adolescence.

Mr. Speaker, this legislation will give more of our children the help and assistance they need. With passage of

this legislation, we are not only providing our children with the opportunity for a brighter future, we are building a brighter future for our country.

I urge my colleagues to vote in favor of this bill so we can keep our promise to America's children.

□ 1145

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman from Florida for yielding to me.

Mr. Speaker, I rise in opposition to this rule. While I appreciate the Rules Committee making in order several of the proposed amendments, including an amendment offered by Mr. PRICE of Georgia to create a State demonstration program that allows up to eight States to coordinate Head Start with other State-run early childhood development programs, this rule unfortunately limits improving the Head Start Act further by not allowing for debate on several Republican amendments.

Although I oppose this rule, I do support the underlying bill, the Improving Head Start Act of 2007 to reauthorize the Head Start program. This legislation improves the Head Start Act by emphasizing that every child, regardless of their economic status, should have the best chance possible to succeed.

We all can agree on the need for Head Start and its successes. We must also recognize that Head Start can produce even greater results for children. Students who attend Head Start programs generally start school more prepared than those with similar backgrounds that do not attend Head Start. However, Head Start students continue to enter kindergarten well below national norms in school readiness. By moving to close the school readiness gap, this bill will improve results for almost 1 million Head Start students across almost all of the Nation.

Towards the goal of closing the readiness gap, the Improving Head Start Act of 2007 strengthens Head Start's academic focus while maintaining its comprehensive nature. The bill improves the academic focus of the program by establishing new quality standards that ensure enrolled children develop and demonstrate language skills; prereading knowledge, including an interest in and an appreciation of books, reading and writing either alone or with others; premathematics knowledge, such as recognition of numbers and counting; cognitive abilities related to academic achievement; and social development important for environments constructive for child development, early learning and school success.

The Improving Head Start Act of 2007 builds upon the reforms of previous reauthorizations of Head Start, as well as the requirements of the landmark No Child Left Behind Act, and the vision of President Bush and Secretary Leavitt. We all want to do what is best for our children, and I truly believe the underlying bill does that.

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Florida if he has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. We have two speakers remaining.

Ms. CASTOR. Our side has no remaining speakers, except for my closing.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I rise in strong support of this bill, but in opposition to this rule.

I would first like to talk a little bit about some of the unique history of Head Start that I think is important as we move into the discussions of the amendments and the bill itself.

Head Start is a moderately successful program. Because it's a moderately successful program, often it's oversold. It's only moderately successful, but it's very difficult to get any program to succeed in the highest-risk populations of America, as we learned in No Child Left Behind and other programs trying to reach those who have been left behind by the economic growth of America, by the opportunities in America, in the low-income urban communities and the low-income suburban communities.

To have modest success is actually a tremendous accomplishment in Head Start. So how did Head Start perform differently, and what was the concept behind it that made it unique?

On the left and on the right, there would be, for lack of a better word, a populist empowerment faction in both parties. In the sixties, the community action movement said we need to stop the top-down approach and do a more bottom-up approach and involve the communities in poverty themselves in making their own decisions.

That entails certain risks, because they may not, when you let people vote their own decisions and make their own decisions, do what government exactly wants them to do, or what college-educated Ph.D.s come into that community and think is best for that community.

One of the key debates last year when this came to the floor was whether the Head Start policy councils should allow the parents to have a vote. The bill was altered to take that vote away from parents and basically make the parents hood ornaments; say we have parental involvement, but take the breathing lifeblood of those Head Start programs away.

I am very pleased that in this Congress, after seeing the probable defeat on the House floor, had it not been blocked by the leaders of both sides, it is now in this year's bill. Parents will continue to have a vote and continue to make this a grassroots program.

But there is another part of this bill that I oppose, and there is an amendment made in order under this rule that makes it even worse, and that is to require 50 percent of the teachers to have a college degree. That sounds like a great goal, but if you understand that this is preschool, and part of the goal here was to get the parents involved, unlike what's happening in the elementary schools and the high schools in many of these urban and rural areas, the parents don't get involved.

Partly what happens in Head Start councils is parents get involved. Often they get hired as teachers and teachers' aides. They are from the community. There is research suggesting, and no research to the contrary, that the net impact of moving to this 50 percent requirement in 2013 is going to result in less teachers of color in the urban areas. That's the practical net result.

Fewer parents will go to literacy courses and evolve then into getting a GED and helping to teach their own kids. You will miss the magic of this program, which is empowerment and getting the parents involved, which is what we should be looking for in elementary schools. There is an amendment to take the 2013 goal down to 2011, I believe. That makes a bad clause worse. I hope that amendment gets defeated on the floor.

There is one other amendment in this bill that is a bad amendment. There is nothing wrong with the amendment, it's existing law. It's what I would call a fake faith-based amendment. If an organization follows all the secular rules in hiring and in principles, they have always been, always been, eligible for government grants. The dispute that has arisen in faith-based is not whether, if you have a secular board and don't impose any religious principles on your organization, you can't proselytize. That has already been ruled by the courts. You can't pray if you get government funds during the time that any program is funded by government. You can't refuse to cover somebody.

The question is can a faith-based organization that may have church rules, for example, can only males be preachers or priests? Can you have somebody who is homosexual in a church position in your church? Can you fire somebody for adultery, things that many, if not most, major Christian denominations, Orthodox Jews, Muslim organizations have as rules in their denominations? They are not eligible under the Democrat faith-based rule.

This is a legitimate debate. I grant that it's a legitimate debate, and we have had it on the House floor. But we should not pretend that we are protecting faith-based organizations, when we are, in fact, taking away the historic civil rights protection that has always been granted under, quote, faith-based. A religion is exempt from

normal rules in how they hire, because they believe they reflect their faith.

Mr. Speaker, I ask to include into the RECORD an article by Ron Sider, who has written a book that was much ballyhooed in the last election cycle about the faith-based movement not just being conservative right-wingers.

[From First Things]

THE CASE FOR ''DISCRIMINATION''

(by Ronald J. Sider)

I'm a long-time Democrat. In 1972, I organized a group called ''Evangelicals for McGovern/Shriver'' and helped McGovern sweep—well, the great state of Massachusetts.

As a Democrat, I have been deeply dismayed by how out of touch with the American mainstream the party has proven to be on the issue of faith-based initiatives, particularly on the issue of the so-called hiring exemption. (For a discussion of other aspects of the initiative, see Joseph Loconte, ''Keeping the Faith,'' FT, May.)

A vast majority of Americans believe that as a society we have lost our moral moorings and that we must reaffirm the role of religious faith in nurturing persons of integrity and fostering a just, stable society. It is in that context that we must evaluate the Democratic leadership's opposition to allowing faith-based organizations that accept government funds to show preference in hiring to those who embrace the organization's basic religious beliefs and practices. Democratic President Bill Clinton signed three Charitable Choice bills that explicitly included this hiring exemption. Presidential candidate Al Gore embraced Charitable Choice. But when the Bush Administration's legislation expanding Charitable Choice moved to the Senate in mid-2001, the Democratic leadership blocked even the consideration of such legislation—largely on the charge that the hiring exemption amounted to employment discrimination.

In other words, the Democratic leadership has come to believe that religious organizations must give up their long-recognized right to hire staff who share their faith commitments in order to receive federal money that provides needed services to the public. In this, the Democrats are wrong.

To begin with, a religious organization's decision to hire staff who share its religious beliefs and practices is not an example of intolerant discrimination, but rather a positive act of freedom. In a free society, a wide variety of organizations—environmental organizations, feminist groups, unions—are left free to select staff who share their core commitments and who agree with their agenda. This right does not disappear if governments choose to request these private organizations to perform some desired tasks. Planned Parenthood, for example, does not lose its right not to hire pro-life staff simply because it has a government contract. It is precisely the denial of this right to religious organizations that would amount to intolerant discrimination instead of the promotion of a free and open society.

To equate this positive good with the evil of discrimination on the basis of things like race or disability is pure confusion. Whether we think that religion is a medieval superstition or a true and good contributor to social well-being, all who believe in religious freedom should insist that religious organizations be permitted to hire staff who share their religious beliefs.

The obvious fact is that the ability to choose staff who share a religious organization's core beliefs is essential if that organization wishes to retain its basic identity. As Justice William Brennan wrote in Corporation of the Presiding Bishop v. Amos (1987): ''Determining that certain activities are in furtherance of an organization's religious mission and that only those committed to that mission should conduct them is . . . a means by which a religious community defines itself.'' A Jewish organization forced to hire substantial numbers of Baptist staffers, for example, will not long remain a significantly Jewish organization.

Having staff who share a religious organization's essential religious beliefs shapes the group's identity in a variety of ways. Shared motivation, common values, a sense of community and unity of purpose, shared experiences of prayer and worship (even if they are outside work time in the organization) all contribute to an esprit de corps and shared organizational vision. As law professor Ira C. Lupu said in testimony before a House subcommittee (June 7, 2001), ''The sense of religious community and spirit on which [the] success of the group's efforts depend'' may be hampered if it is forced to hire those who do not share its beliefs.

This is important even when, for example, a faith-centered organization chooses to separate by location or time (and fund with private money) sectarian worship, instruction, and proselytization in a program in order to receive direct government grants. This is true for several reasons.

First of all, religious activities may be important to the social service program, even though they are voluntary, privately funded, and segregated from ''secular'' government-funded activities. In such programs, holding certain religious beliefs and practices is a legitimate qualification for a staff position, equally as valid as having the right skills and experience.

Second, enforced religious diversity can have the effect of stifling religious expression of staff within the agency, creating a climate of fear of offending other staff members with religious speech or actions. Since personal faith is very important to many who choose to work in a religious organization, such a climate can diminish staff motivation and effectiveness. Forced religious diversity can sap a program's spiritual vitality and lead to its secularization.

Third, staff often play multiple roles in small organizations. For example, an agency might seek someone to work part-time as a youth minister and part-time as a social worker for its youth mentoring program. Implementing a policy in which religion could be considered as a factor in hiring for some job duties but not others would lead to unnecessarily complicated and impermissibly entangling regulations.

But even leaving aside the effects of such regulation on religious organizations themselves, the rationale behind it makes little sense. The fact that a religious organization accepts some federal funds does not mean that it ceases to be an independent, autonomous entity and becomes an arm or agent of the state. Law, precedent, and common sense all argue that a private organization that accepts some government funds still retains its separate identity. This is clearly the case with colleges and universities that receive government funding, scholars engaged in federally subsidized research, and artists and artistic organizations funded by the National Endowment for the Arts. All of these receive government funding, and all maintain their autonomy from the government. Similarly, a religious organization that receives government funds to provide a public service that serves a public good would maintain its autonomy and not be co-opted by government.

Moreover, not only does allowing hiring preferences based on religious belief within religious organizations pose no social danger, it is the only way to avoid discrimination and governmental preference of one religious view over another. Using the typology of different types of faith-based organizations recently published by the Working Group on Human Needs and Faith-Based and Community Initiatives chaired by former Democratic Senator Harris Wofford helps explain this point.

''Faith-saturated'' and ''faith-centered'' programs both include substantial religious content in their programs and hire (primarily or exclusively) employees who share their beliefs precisely because their religious beliefs tell them that persons are spiritual as well as material beings and therefore the best results follow when spiritual and material transformation are combined. ''Faith-related,'' ''faith-background,'' and ''secular'' providers do not include significant religious content in their program or consider religious belief in their staffing because their worldview tells them that all that is needed to correct dysfunctional social behavior and social problems is socio-economic, material transformation. All these providers, not just the first two, are grounded in an explicit or implicit religious perspective. Secular providers work at least implicitly within a naturalistic worldview (nothing exists except the natural world) that functions in effect as a religious perspective. Functionally, faith-related and faith-background providers operate with deistic religious beliefs (God exists but never intervenes in the natural world of cause and effect). Naturalism and deism, however, are just as much particular religious worldviews as the historic theism that undergirds most faith-saturated and faith-centered programs.

Obviously, if government only funds some private providers of services (i.e., the naturalistic and deistic ones that do not explicitly use religious criteria for staff), government clearly discriminates among religions.

Thus far, I have argued that as a matter of principle religious freedom is such a fundamental right that it ought to prevail even if on occasion embracing that overriding principle has the secondary effect of, for example, reducing the number of job opportunities for a particular group. For example, the Catholic Church must, as a matter of principle, be free to live out its religious belief (which I do not share) that only men should be priests, even if the practice has the effect of reducing the number of job possibilities for women.

My last point offers an argument, not about principle, but about practical effect. The recent suggestion that extending the hiring exemption to faith-based organizations (FBOs) would in practice mean that African-Americans or gay Americans would suffer a loss of job opportunities is simply wrong.

There is a certain tension between two treasured values: on the one hand, protecting the religious freedom and identity of FBOs as they expand their effective services to the most needy; on the other, our society's conviction that except in the case of a narrow range of specific situations, employers should not discriminate on the basis of religion.

But do such hiring preferences really result in job deprivation? Hardly at all.

First, we are talking about a small percentage of the total jobs in the society. Second, many FBOs pay almost no attention to the religious beliefs of staff. Third, in the case of those evangelical Christian, Orthodox Jewish, and Muslim FBOs that do, virtually all the different religious groups have their own FBOs offering a hiring preference to people who share their own beliefs.

For very understandable historical reasons, African-Americans have been concerned that racial discrimination might find

cover under the hiring exemption based on religious belief. This is extremely unlikely to happen. FBOs working in minority communities are run either by people of the same racial group or by whites who have been at the forefront of fighting racial prejudice.

What about sexual orientation? Few FBOs ask about or select staff on the basis of sexual orientation. It is true that a number of FBOs do say that staff should not be sexually active outside marriage. But is that really so terrible—especially for FBOs working to overcome poverty in a society where a child growing up in a single-parent household is eleven times more likely to be persistently poor than a child growing up in a two-parent family?

Even if the hiring exemption in Charitable Choice were expanded to a lot more government funding streams, sexually (and openly) active gay Americans would face extremely little job deprivation. The number in that group is very small and the number of jobs affected is a minuscule fraction of the total number of jobs. Gay FBOs exist and others can be formed that give a hiring preference to those who share that ethical/religious belief. Surely the well-educated gay community does not want to block an enormously promising way to overcome poverty and social decay for millions of desperate Americans to avoid what in practice would at worst mean only the loss of a handful of possible jobs.

Constitutionally, Charitable Choice strikes the right balance between the no-establishment and free exercise clauses of the First Amendment. Morally, it offers promise for major progress in overcoming some of our most intractable social problems. Politically, Charitable Choice and the broader Faith-Based Initiatives have rightly become identified with the widespread sense that we have lost our way morally as a society. By remaining steadfastly opposed to allowing religious organizations to contribute to solving social problems, the Democrats harm our country as well as their future electoral prospects. Only at great peril dare Democrats be on the wrong side of today's widespread embrace of religious faith's crucial contribution to social wholeness. If that happens, they will deserve a repetition of 1972.

The fact is whether you are left or right in the faith-based movement, you have to agree that you have to keep the principles of religion if you are going to keep your spiritual vitality. Particularly in urban America and in rural America, the churches and the vitality is what needs to be brought into poverty and reaching out.

We can have a legitimate debate over whether government funds should go in there. I believe it would help the programs. It has been an historic right. But the amendment that is in front of us is not a faith-based amendment. It's only allowing faith-based groups to participate if they secularize and drop their unique faith.

Mr. Speaker, I would like to insert into the RECORD a statement on the policy councils from Congressman DANNY DAVIS and me.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2007.

Hon. GEORGE MILLER,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

Hon. HOWARD ''BUCK'' MCKEON,
Ranking Member, House Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER AND RANKING MEMBER MCKEON: For more than forty years, one of the most unique and important aspects of the Head Start program has been its emphasis on parental involvement Head Start has enabled parents, as representatives on Head Start policy councils, to participate in making important decisions regarding budget, programming, and personnel. As the Committee plans to mark up its Head Start reauthorization bill this coming week, we believe that preserving this structure of governance is fundamental to the continued success of the program.

Under current law, Head Start boards of directors and policy councils share the responsibility of managing a Head Start program. This partnership helps to ensure that there is a system of checks and balances in place and that the important voices of experts in accounting, finance, and early education are balanced with the equally important voices of parents who have children in the program. Many of our constituents who are involved with Head Start have told us that policy council members, especially parents, often have a much greater day-to-day knowledge of the program than the board of directors and are thus better able to provide accountability. Indeed, a 2005 GAO report found that calls from parents are often the first signal to Head Start regional offices that a program is struggling with mismanagement.

As the Education and Labor Committee prepares for its markup, we want to ensure that it does not diminish the role of parent policy councils. We believe this would undermine the future success of the Head Start program and, in turn, the success of thousands of at-risk children and their parents. Like both of you, we believe there should be stronger accountability within Head Start programs. The 2005 GAO report, for example, cited a lack of oversight from the HHS regional offices and Head Start boards of directors as sizable obstacles to improved accountability. However, these reforms need not come at the expense of parental involvement in the program. Any Head Start reauthorization bill must preserve the current oversight role of the policy councils with regard to board actions in key areas such as budget, programming, and personnel, if they are to maintain their current vital role within the program.

Again, we ask that the chairman's mark of the Head Start reauthorization bill retain the current shared governance structure of the policy councils and board of directors. The current structure has helped to successfully prepare hundreds of thousands of low-income children to enter kindergarten and empowered thousands of parents to take greater roles in the lives of their children and communities. Thank you for your attention to this matter. If you have any questions, please contact Jill Hunter-Williams with Rep. Davis at 225–5006 or Brett Swearingen with Rep. Souder at 225–4436.

Sincerely,

Danny K. Davis; Donald M. Payne; Robert C. Scott; Linda T. Sánchez; John F. Terney; David Wu; John A. Yarmuth.

Mark Souder; Ric Keller; Todd Russell Platts; Rob Bishop; Timothy Walberg; Raúl M. Grijalva; Virginia Foxx.

Ms. CASTOR. Mr. Speaker, we do have one final speaker before my closing remarks.

I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentlewoman from Florida for yielding me this time.

Mr. Speaker, I do rise in support of the rule and strong support of the reauthorization of the Improving Head Start Act of 2007.

As a former member of the Education and Workforce Committee over the last 10 years, I have been heavily involved in Head Start programs, the reauthorization process in previous Congresses, and had an opportunity to visit many of the Head Start centers throughout my congressional district throughout western Wisconsin. They are doing a terrific job not only helping our children, typically, who are very high-risk, high-need children, get off to literally a head start when it comes to their individual development and education, but also working very closely, as my friend from Indiana just highlighted previously, the close partnership with the parents of those children, which is crucial to the success of this program.

I want to commend the members of the committee for producing this product, in particular Chairman MILLER and chairman of the subcommittee, DALE KILDEE, along with Ranking Member CASTLE and Ranking Member BUCK MCKEON. I know a lot of them have collaborated and worked closely to produce this.

There are two features in particular that I want to highlight and commend. One is making sure we get the measurements of these kids done right. I led the effort in previous Congresses to see if we could suspend the National Reporting System. This was based on studies that the National Academy of Sciences had made asking us to slow down in this assessment and standard practice until they could develop what they feel are the proper forms of measurement for kids at this age, because if we get that wrong, they said, we could actually do more harm to the children with improper measurements and assessments than doing good.

I am glad to see that this legislation now recognizes that suspension of the National Reporting System gives the National Academy of Sciences a chance to report back with recommendations and guidelines on what proper measurements of these children should be.

The second feature is requiring programs to consult with child care health experts in developing proper nutrition and physical education programs for kids at this age.

In light of childhood obesity and type 2 juvenile diabetes, it's going to be important that we do everything we can to make sure that our kids are getting off to the right start when it comes to quality-of-life issues, make sure that they are not going to start smoking or taking drugs, but also taking the proper nutrition and involved in the proper physical activities to make sure that

they have healthy bodies to go along with the healthy minds that Head Start is meant to produce.

Those two provisions in particular I commend, and I encourage a strong bipartisan vote for this important bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to my distinguished colleague and friend from Florida (Mr. WELDON).

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

Mr. Speaker, the Democratic majority pays lip service to their support of religious people and faith-based groups, but now they are here today, in this House, enacting a piece of legislation that I believe is a shot across the bow to all faith-based organizations that are involved in social services in this country. The Head Start bill today says that if you participate in the grant process, you will not be able to hire like-minded people to work in your child-care facility.

The Democrats are saying that a bureaucracy in Washington, D.C., has more wisdom to decide who you can and can't hire than the hundreds, thousands of small businesses that run these Head Start programs. The Democrats are essentially saying, with this legislation, while we thank you for your tireless dedication and recognize that you are an integral part of this process, we don't trust you to make fair choices in the employees that you hire.

Don't be misled. This is in direct contradiction to the Civil Rights Act of 1964 and the Supreme Court, both of which came to the conclusion that faith-based organizations had the right to hire employees on a religious basis. Faith-based organizations such as churches, synagogues and other faith-based charities are a central part of the fabric of communities all across America. Many of these organizations provide assistance and services to the neediest members of society, offering a helping hand to the less fortunate among us. Many faith-based organizations can and want to make a vital contribution to the Federal assistance programs.

The landmark 1964 Civil Rights Act explicitly protects the rights of religious organizations to take religion into account in their hiring practices. In fact, the Civil Rights Act made clear that when faith-based organizations hire employees on a religious basis, it is an exercise of the organization's civil liberties and does not constitute discrimination under Federal law.

The freedom to hire those who share religious beliefs was upheld in a unanimous 1987 Supreme Court decision, Corporation of the Presiding Bishop v. Amos, in which the Court observed, ''A law is not unconstitutional simply because it allows churches to advance religion, which is their very purpose. For a law to have forbidden 'effect' . . . it must be fair to say that the government itself has advanced religion through its own activities and influence.''

Now, in an attempt to appease Republicans and conservative Democrats, an alternative amendment will be provided by the gentleman from North Carolina. This amendment, in effect, praises the work of faith-based organizations, but tells them they have to give up their right to hire who they want to hire to participate in Head Start.

□ 1200

Current Federal law protects the Civil Rights Act hiring protections for faith-based organizations and providers. And, indeed, as was stated earlier by a previous speaker, President Bill Clinton signed four laws protecting religious organizations in this context.

Now, I want to close by just pointing out a very, very simple fact. There is a reason why on the floor today the amendment to correct this problem will not be allowed, and the reason is because it will pass. A majority of this Congress, Republicans working with Blue Dog Democrats, would pass the Fortuno amendment which would protect these faith-based religious organizations. We had many of the Blue Dogs vote with us on this issue in the past. But, alas, under this rule, and it is why I am imploring my colleagues on both sides of the aisle to vote ''no'' on this rule, that amendment will not be allowed and we will be asked to stifle the freedom of religion in the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank my friend, Ms. CASTOR, for the time and her courtesy, and all those who have participated in this debate.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that I can amend this restrictive rule to make in order the amendment offered by Congressman PRICE of Georgia, which seeks to make regulations for emergency rear door exits and safety belts on vehicles used to transport children effective upon enactment of H.R. 1429. This extremely important amendment was denied by the Democrats in the majority last night in the Rules Committee.

In 1992, Congress required the issuance of regulations related to rear door emergency exits and safety restraints on Head Start transportation. Since the final rule for these new regulations was published in 2001, the effective date has been delayed three times.

Mr. Speaker, Congress required these regulations in order to ensure the safe operation of vehicles by Head Start agencies. Currently, the leading cause of death for children ages 3 to 7 is motor vehicle traffic crashes. Further delaying these requirements means allowing Head Start grantees to transport children using vehicles that are not designed specifically for the safe transport of children.

If the previous question is defeated, the Price amendment would be made in order and this delay would be put to an end. This issue, Mr. Speaker, needs to be resolved, and it needs to be resolved now and this authorization bill is clearly the most appropriate forum in which to do so. Any further delays in the implementation of these crucial safety regulations for children may endanger the lives of children.

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

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

There was no objection.

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

Ms. CASTOR. Mr. Speaker, I urge a ''yes'' vote on the Improving Head Start Act of 2007 and this rule so that we infuse Head Start with the necessary investments and program enhancements that will sustain Head Start for years to come. We will chart a new course in the right direction by ensuring family incomes do not impede a child's access to educational opportunities.

The fact that the administration and the past few Congresses did not keep the promise to America's children is unfortunate. We have lost ground. But the good news is that this new Democratic Congress is charting a new direction. This includes wise investments in the education and health of our kids, which are certain to pay dividends for years to come.

Mr. Speaker, this is an important day for America. The Congress is going to keep the promise made 4 decades ago to children who are born with the same potential but, because of their life circumstances, are in need of a little extra attention, health care, nutrition, the guiding hand of a knowledgeable, talented, devoted teacher, and a true head start.

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

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

AMENDMENT TO H. RES. 348

OFFERED BY REP. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Price of Georgia or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Page 36, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

''(3) EMERGENCY EXIT DOORS.—

''(A) EFFECTIVE DATE.—Section 1310.12(a) of title 45, Code of Federal Regulations, shall become effective on the effective date of this paragraph.

''(B) COVERED VEHICLES.—Notwithstanding any other provision of law, any vehicle used

to transport children for a Head Start program after effective date of this paragraph, shall be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) concerning rear exit doors.''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 348 will be followed by 5-minute votes on adoption of H. Res. 348, if ordered; and adoption of H. Res. 350, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 12, as follows:

[Roll No. 273]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
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
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
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—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
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
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
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
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
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cubin
Davis, Jo Ann
Engel
Fattah
Ferguson
Gillibrand
Lampson
McMorris Rodgers
Ortiz
Pitts
Schmidt
Sullivan

□ 1231

Messrs. REGULA, BILIRAKIS, BURGESS, WALSH of New York and HUNTER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 226, nays 196, not voting 10, as follows:

[Roll No. 274]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
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—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
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
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
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
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—10

Davis, Jo Ann
Engel
Fattah
Ferguson
Gillibrand
Lampson
McMorris Rodgers
Ortiz
Pitts
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised we are at the 2-minute mark.

□ 1239

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 350, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 189, not voting 17, as follows:

[Roll No. 275]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
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—189

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
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
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
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
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Platts
Poe
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
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
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—17

Alexander
Brady (TX)
Davis, Jo Ann
Engel
Farr
Fattah
Ferguson
Gillibrand
Lampson
Lewis (CA)
McMorris Rodgers
Napolitano
Ortiz
Pitts
Ros-Lehtinen
Sullivan
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

□ 1246

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FARR. Mr. Speaker, on rollcall No. 275, had I been present, I would have voted "yea."

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–31)

The SPEAKER pro tempore (Mr. TIERNEY) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1591, the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007."

This legislation is objectionable because it would set an arbitrary date for beginning the withdrawal of American troops without regard to conditions on the ground; it would micromanage the commanders in the field by restricting their ability to direct the fight in Iraqi; and it contains billions of dollars of spending and other provisions completely unrelated to the war.

Precipitous withdrawal from Iraq is not a plan to bring peace to the region or to make our people safer here at home. The mandated withdrawal in this bill could embolden our enemies—and confirm their belief that America will not stand behind its commitments. It could lead to a safe haven in Iraq for terrorism that could be used to attack America and freedom-loving people around the world, and is likely to unleash chaos in Iraq that could spread across the region. Ultimately, a precipitous withdrawal could increase the probability that American troops would have to one day return to Iraq—to confront an even more dangerous enemy.

The micromanagement in this legislation is unacceptable because it would create a series of requirements that do not provide the flexibility needed to conduct the war. It would constrict how and where our Armed Forces could engage the enemy and defend the national interest, and would provide confusing guidance on which of our enemies the military could engage. The result would be a marked advantage for our enemies and greater danger for our troops, as well as an unprecedented interference with the judgments of those who are charged with commanding the military.

Beyond its direction of the operation of the war, the legislation is also unacceptable for including billions of dollars in spending and other provisions that are unrelated to the war, are not an emergency, or are not justified. The Congress should not use an emergency war supplemental to add billions in spending to avoid its own rules for budget discipline and the normal budget process. War supplemental funding bills should remain focused on the war and the needs of our men and women in uniform who are risking their lives to defend our freedoms and preserve our Nation's security.

Finally, this legislation is unconstitutional because it purports to direct the conduct of the operations of the war in a way that infringes upon the powers vested in the Presidency by the Constitution, including as Commander in Chief of the Armed Forces. For these reasons, I must veto this bill.

GEORGE W. BUSH,
THE WHITE HOUSE, *May 1, 2007*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Wisconsin (Mr. OBEY) is recognized for 1 hour.

Mr. OBEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California (Mr. LEWIS), and pending that I yield myself such time as I may consume.

Mr. Speaker, this issue before us is the kind of issue that the Congress was designed to deal with. This Congress exists today because in 1215, almost 800 years ago, our forefathers many times removed, by adopting the Magna Carta, established for the first time in the English-speaking world the principle that the monarch was not unilaterally sovereign.

That expression wound up being turned into a reality for our country in 1789, when the Constitution of the United States was adopted. That Constitution created three coequal branches of government. It gave this body, the legislative body, the Congress, the ability to declare war. It certainly gave us the obligation to oversee the conduct of war. It gave us the obligation to oversee the use of taxpayers' money in dealing not just with war, but with every other issue as well.

The President yesterday vetoed the legislation now before us, which, for the first time, had he chosen to use it, would have given him the opportunity to have an exit strategy for a war that has brought incredible frustration and agony not just on the people of Iraq, but the people of our own country.

Now, the President has told the public that he is "the decider." Well, he is a very important decider, but he is not the only decider in a democratic form of government. The ultimate deciders are our constituents, and we are elected to speak on their behalf and to participate in that decisionmaking. That is what the Congress did when it passed this legislation through both Houses.

I regret very much that the President did not use this legislation to establish a bipartisan approach to the war which has plagued us now for more than 4 years.

As we all know, yesterday was the fourth anniversary of the President's landing on that aircraft carrier under the banner "Mission Accomplished" and telling us that our troops had fulfilled their mission. Indeed, they had;

our troops won the war in Iraq, but it is the White House, in its pursuit of its Iraqi policy, it is the civilian leadership of the Pentagon which systematically, especially in the early days, ignored the judgment of the military that has brought us to the chaos that we see in Iraq today.

Now, the legislation before us attempted to do a number of things. It attempted to meet the financial needs of the budget in supplying our troops with everything that they need. Secondly, it attempted to hold the administration accountable and to hold the Iraqi Government accountable for the actions that they have taken. And thirdly, it was meant to provide the beginnings of an exit strategy from that civil war. The President has decided to veto that legislation, and the question before us now is whether we will override that veto or not.

The President said in his veto message yesterday that we had all too many so-called nonrelated items in this bill, along with funding for the troops in Iraq. I don't believe that the American people would agree with the President that $1.8 billion for veterans health care, $3.3 billion for defense health programs, $2.2 billion for additional Homeland Security initiatives, $6.9 billion for Katrina recovery, $663 million to protect the country from the ravages of a potential world flu pandemic, or $650 million to prevent kids from losing health insurance is unnecessary funding. I think the American public recognizes each of those as a legitimate expenditure of public funds.

I also think that the President has focused so much attention on those items simply to divert public attention from the fact that this bill is first, last and foremost about the war. It is about how we get our troops out of the war. It is how we send a message to the Iraqi politicians that our troops cannot be expected to accomplish the compromises that only they can reach if that war is to be brought to a conclusion.

Mr. Speaker, I would urge every Member of this House, regardless of party, to vote to override the President's veto.

And I would point out to the President that we already have provided for two major compromises in this legislation. When we first established the Murtha principles for unit readiness, the White House objected. And so we said, all right, we'll change that, we will give the White House a waiver. When the White House objected to the timetable that we laid out for withdrawal of our troops from that civil war, again we compromised, and we said we will keep as hard deadlines the deadlines by which we must begin that process of redeploying troops, but we made the end date for the actual withdrawal of our troops from combat in a civil war, we made those dates extremely flexible in response to the President's views. So we have already compromised on two very major items in this bill.

Now that the President has laid down his veto, it seems to me that he has an obligation to lay on the table what compromises he is willing to make in order to bring us together in pursuit of an exit strategy from a war that we should never have gotten into in the first place.

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

Mr. LEWIS OF California. Mr. Speaker, I am pleased to yield 4 minutes to the gentlelady from Florida.

Ms. ROS-LEHTINEN. I thank the gentleman from California.

Mr. Speaker, last month, a member of the majority leadership stated, ''This war is lost, and the surge has not accomplishing anything.'' He further stated, ''We are going to pick up Senate seats as a result of this war,'' and adding that he had been shown numbers that are compelling and astounding.

□ 1300

I cannot imagine that there were many in either party who were not shocked by these brazenly cynical words.

This past Saturday, I sat down with Phyllis and Huber Parsons, constituents from my congressional district who have three sons serving in Baghdad. They are pictured here in the poster behind me. They are officers with the Army Stryker Brigade. They said to me that remarks such as the ones that I just quoted by our congressional leaders ''made them sick.'' Their sons, Charlie, Huber and Bill, are not bullets to be used to hit a political target. And while some of my colleagues may not agree with the administration's efforts to win the battle against Islamic jihadists in Iraq, the Parsons brothers should not be abandoned without ammunition to defend themselves.

My stepson, Doug, and my daughter-in-law, Lindsay, both served in Iraq. Lindsay is now in Afghanistan. They were not following the orders of would-be generals here in Congress. They were serving their country and their President, whom the Constitution clearly states is the commander-in-chief.

Not one of us here in Congress can usurp that role. Nor can we fill the role of General David Petraeus, who bears the enormous burden of directing this war and who has said that our mission is just and necessary.

These men and women of our Armed Forces, such as the Parsons brothers and my stepson and daughter-in-law, understand their mission. They understand that they are locked in a generational struggle with global Islamic radicals who seek our destruction. If we declare that we have been beaten in this phase of the struggle and then retreat, it will only grow, it will follow us home, and it may never end.

Imposing a timetable for withdrawal of our forces and retreating over the horizon, as some have suggested, will not insulate us from the terrible strategic consequences that would result. This fighting will spill into neighboring countries, threaten our allies and then spread throughout the Middle East.

In addition to these frightening strategic consequences, if we surrender the Iraqi nation to the terrorists, we would open the gates to a potential humanitarian crisis of epic proportions, including mass murder and displacements of thousands and thousands of innocent Iraqi men, women and children that our retreat helped make possible.

Let me remind the advocates of defeat of the words of one of our former presidents who battled against the legions of those who sought to block his efforts to save democracy for this country and for the world. He said, ''This generation of Americans has a rendezvous with destiny. In this world of ours, there are some people, who seem to have grown too weary to carry on the fight. I believe in my heart that only our success can stir their ancient hope. They begin to know that here in America we are waging a great and successful war. It is a war for the survival of democracy.''

These are the words of Franklin Roosevelt, and I think were he here today, I am confident that he would never give in to those who say that we have lost and who demand that we retreat.

I ask my colleagues to uphold the President's veto and demand a clean supplemental to support our troops in the field, to give Bill, Charlie and Huber Parsons the resources they need to achieve victory in Iraq.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I want to acknowledge the exceptional leadership of Chairman OBEY, Chairman MURTHA and Chairman SKELTON in putting together this important piece of legislation.

Mr. Speaker, Congress passed this bill, and yesterday we sent it to the President of the United States. We did so with great pride, because it is a bill that supports our troops, honors our promises to our veterans, holds the Iraqi government accountable and winds down this war. It is a bill that honors the sacrifice of our men and women in uniform. Thank you, Chairmen OBEY, MURTHA AND SKELTON.

The President had an historic opportunity. He had an opportunity to take yes for an answer, because the bill contained what the President had proposed. The President proposed benchmarks. His very own benchmarks were contained in this bill. The Department of Defense has guidelines for readiness for our troops, for their training, their equipment and the time they can spend at home and overseas. They are in the bill, even with a waiver for the President, giving the President more latitude. The President said no. The President said no.

I had hoped that the President would see the light, instead of turning a tin ear to the wishes of the American people and a blind eye to what is happening on the ground in Iraq.

The President, in signing the veto, is reporting that progress is being made in Iraq. Well, I don't know what his definition of ''progress'' is, but, sadly, April was the deadliest month this year, with over 100 of our troops killed there.

The President, in his statement on vetoing the bill, said that he vetoes the bill because, in his words, ''It makes no sense to tell the enemy when you start to plan withdrawing.''

In criticizing these timelines, of course, the President is wrong. But when he was a candidate for President, it made sense to him to say to President Clinton, ''I think it's also important for the President to lay out a timetable as to how long our troops will be involved and when they will be withdrawn.'' This is candidate Bush on the war in Kosovo, where we did not lose one single American soldier; this from a President whose initiative has lost over 3,000 Americans and countless, countless, countless Iraqis.

Bipartisan congressional majorities approved of using timelines for redeployment to instill urgency into benchmarks that have already again been endorsed by the President and the Iraqi leaders. They have agreed to this, except they reject them in this bill.

A wide range of people have noted the value of timelines in persuading the Iraqis to make the political compromises needed to end the violence, including Secretary of Defense Gates, who said, ''The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment.''

The Congress will not support an open-ended commitment to a war without end. He wants a blank check. The Congress will not give it to him.

Next the President said that Congress is substituting our judgment for the judgments of commanders in the field 6,000 miles away. Wrong again, Mr. President. We are substituting our judgment for your judgment 16 blocks down Pennsylvania Avenue in the White House. We are substituting the judgment of this Congress for your failed judgment.

The American people have lost faith in the President's conduct of the war. They have said that they want accountability and a new direction. This bill gives them both.

Next the President claimed, and Mr. OBEY again referenced this, that this bill is loaded with non-emergency spending. Well, it may be a non-emergency to the President, but it certainly is an emergency to the people affected. Once again, the President is wrong.

The needs of the survivors of Hurricane Katrina think it is an emergency, and so does any person of conscience in our country who cares about the victims of Katrina. That millions of children are about to lose their health insurance is an emergency for them and for our country. America's farmers, devastated by natural disasters, think it is an emergency.

These situations remain emergencies because the President and the last Congress, the Republican Congress, refused to act. So now we must. So they have made it even more of an emergency.

Today, the President faces consequences of his own making. This is the seventh supplemental for the war in Iraq. Certainly somebody was planning something at the White House and could have put over the years the funding necessary for this war into the budget. Instead, the President did not do that. I don't know why. Maybe they didn't want the American people to see the real cost of this war in dollars. Certainly we know the price that we have paid more seriously in lives, in health, in reputation, in the readiness of our military and in probably $2 trillion now for this war.

The President claims that this legislation infringes upon the powers vested in the President by the Constitution. The President is wrong. Congress is exercising its right as a coequal branch of government to work cooperatively with the President to end this war.

By voting ''yes'' to override, Congress sends a strong message:

To support our troops. They have done everything that has been asked of them, and excellently. They deserve better.

To rebuild our military, which has been seriously strained by this war in Iraq.

To honor our commitment to our veterans, our heroes.

And to demand accountability.

With passage of this bill, we then can refocus our energy on the efforts against terrorism by bringing the war in Iraq to an end, bringing this war in Iraq to an end.

The President said there are real enemies out there. Yes, we know that, Mr. President, and we are prepared to make that fight. We will do whatever is necessary to protect the American people.

The war on terrorism was in Afghanistan. We took our fullest attention from Afghanistan to go into Iraq, and now Iraq is a magnet for terrorists. The war in Iraq has made matters worse in the war on terrorism.

What we have to do is work together, Democrats and Republicans, with the President of the United States, to bring stability to that region.

Now into the fifth year of a failed policy, this administration should get a clue. It is not working. This is the fourth surge they have proposed. When they proposed it in January, they said in 60 to 90 days we will know. It is 120 days, and now they are saying September. And then they say maybe by the end of the year. So what is this? We will be into another whole year of this war, far longer than World War II.

Nobody who serves in this body, who takes the oath of office to protect and defend the Constitution, needs anybody to tell them, whether you are a Democrat or Republican, what our responsibility is to protect the American people. Nobody needs a reminder of what the threat of terrorism is to our country. But we do need to work together to keep our focus on where the war on terror really is. If we clear up this matter, bring this war to an end in Iraq, we can give the war on terror our fullest attention.

Let us stop this war without end. I urge a ''yes'' vote.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlelady who spoke just before me, our respected Speaker, is a person I have worked with for most of my life in public affairs. Our Speaker suggested that the President was wrong, and, Mr. Speaker, I humbly suggest that in this instance, our esteemed Speaker is wrong.

Madam Speaker, it was no secret that this conference report was going to be vetoed. Early on, the President made very clear his intention to veto this legislation because of the Iraq withdrawal language and the many unrelated and costly spending items that have absolutely nothing to do with the global war on terror and recovery efforts on the gulf coast.

It is no secret that many Members of the House and Senate, both Republicans and Democrats, had strong reservations about the manner in which this legislation undermined the authority of the President, our Commander in Chief.

From the beginning of this process, Members have expressed their concern about how this legislation placed military decisions in the hands of politicians rather than military commanders in the field. The last thing our country or our troops need is to have 535 Members and Senators micromanaging the war in Iraq. That simply is not our job, Madam Speaker.

Recent history reminds us that the enemy we face in Iraq, Afghanistan and in other countries that harbor terrorists will stop at nothing to attack the United States and our allies.

My colleagues, now is not the time for the United States to back down from its commitment to the war on terror. Now is not the time for America to signal retreat and surrender. Indeed, now is not the time for the House of Representatives to throw in the towel, wave the white flag or signal retreat and surrender in Iraq.

How could this Congress walk away from our men and women in uniform? How could we walk away from them now? We must not let that happen. We must support our troops. Our failure to learn the lessons of history, our failure to lead, will result in devastating consequences, including an even greater loss of life and even more resources needed to fight tomorrow.

□ 1315

It is absolutely essential that America, the last remaining superpower on Earth, continue to be a voice for peace and a beacon of freedom in our shrinking world. Walking away would further signal to Syria, Iran, Afghanistan, and others that the United States is no longer committed to a successful outcome in Iraq.

Before closing my remarks, I want to express my disappointment and dismay at yesterday's political and theatrical display by Speaker PELOSI and Senator REID.

The delivery of this conference report to the White House was intentionally delayed so the President's veto would coincide with the fourth anniversary of the President declaring ''Mission Accomplished.'' This display in sending the supplemental to the President was a deliberate and shameful attempt at scoring political points solely at the expense of our troops.

Mr. Speaker, this veto has been anticipated for some time. The majority party has had ample time to plan and prepare for the next step. Passing a clean supplemental free of arbitrary deadlines and excessive spending is obviously the path we should be following.

There is $20 billion, $20 billion, in this package unrelated to the war effort and the gulf coast recovery. That money is designated as emergency spending. Every nickel of this unrelated spending should be removed from the emergency supplemental. All this spending should be debated in regular order through the fiscal year 2008 appropriations process.

In closing, I say to my colleagues on the other side of the aisle: You've made your point. You've had your dog-and-pony show. You have posed for political holy pictures on TV. Now what is your plan to support the troops?

It is time to put the posturing and political stunts aside and do what is in the best interest of our troops. It is time to do the right thing and pass a clean emergency supplemental free of arbitrary deadlines and arbitrary spending. It is time to support our Commander in Chief and sustain the President's veto. I strongly urge a ''no'' vote.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members on both sides of the aisle are reminded that remarks in debate should be directed to the Chair and not to others in the second person.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

The gentleman expresses his concern about funding designated as emergency spending. In fact, I would point out that the President himself asked for the antiflu money that we put in this bill. The President himself asked for that money 2 years ago as an emergency request.

I would also note, since he has expressed concern about our micromanaging the war, I would simply say we have had the administration providing us with bad intelligence. We have had the administration demonstrating bad judgment in saying we would be welcomed with open arms. We have had them demonstrate bad judgment in ignoring General Shinseki's warnings about the number of troops that would be needed to pacify a postwar Iraq. We have seen bad judgment in the President's refusal to talk to the Syrians and the Iranians. We have seen bad judgment all across the board for the last 4 years. It seems to me that we are badly in need of having some kind of management to that war, and if it is not going to come from the executive branch, then the only alternative is for the Congress to express its views.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, at the outset, let me comment on the ranking member's observation about political posturing.

First, let me say I wonder what the President was doing standing in front of that sign saying ''Mission Accomplished'' on that aircraft carrier with taxpayers' dollars. Let me suggest to you that he was politically posturing, trying to take credit for a great victory that occurred 4 years ago. No one in America believes that the mission has been accomplished. No one in America thinks we have had a success.

Let me say that it was totally appropriate for the Speaker and for the majority leader in the United States Senate to sign a bill and let the public know that this is what the Congress believes.

My friend may think political posturing is taking responsibility, which is our constitutional duty, as opposed to simply rubber-stamping what the President wants done. There has not been any question asked for the last 4 years by this Congress. There has not been any interposition of a correct policy as opposed to the President's failed policy.

We don't see that as political posturing, I tell my friend—we see it as exercising the constitutional duty that the American public expects us to do as their independent representative.

This is only the second veto. Why is it only the second veto? Because you wouldn't pass anything the President didn't want. That is not the role of the Congress of the United States. The role of the Congress of the United States is to make policy. That is what article I says. That is what we are doing.

Mr. Speaker, regrettably, the President has chosen not to follow the will of the American people and bipartisan majorities in the House and Senate by vetoing legislation that fully funds our troops in Iraq and Afghanistan, that holds the Iraqis accountable for making progress, and that calls for a responsible redeployment of American forces who are mired in a civil war.

It is our duty now as the elected representatives of the people to try to override the President's veto even though we may not succeed, and even as we prepare to meet with the President today to discuss next steps. That is our responsibility. We intend to do it.

Mr. Speaker, I believe our President, who was wrong 4 years ago when he stood under a banner announcing ''Mission Accomplished,'' is wrong again. The escalation of American troops in Iraq does not represent a change in this administration's failed policy. In fact, it is the fourth time we have escalated troops. In fact, it has been tried, unsuccessfully.

The President's claim last night that ''We've begun to see some important results'' is unfortunately contradicted by the facts. I wish it were true. I want to succeed in this effort, although what success is is ill-defined or not defined by the President.

In fact, Iraq is wracked by violence, including massive car bombs, almost daily. The U.S. death toll in April of 104 made last month the deadliest of the year and the sixth most lethal month since the war started, notwithstanding this increase in troop presence.

Senator HAGEL, who recently returned from Iraq, stated: ''This thing is coming undone quickly, and the Maliki government is weaker by the day.''

And the Special Inspector General for Iraq Reconstruction just reported: ''The U.S. project to rebuild Iraq remains far short of its targets, leaving the country plagued by power outages, inadequate oil production and shortages of clean water and health care.''

I suggest to my friend, in that context, the Congress ought to be impacting on the policies that are being pursued that are not succeeding.

Finally, let me say, and I call the attention of my friend, the ranking member, to this because he referenced this. The President's claim last night that this legislation ''substitutes the opinions of politicians for the judgment of our military commanders'' is totally inaccurate.

But let me tell you what is not inaccurate is that our military commanders have made none of the decisions on the policies we have been pursuing in Iraq, and that is the tragedy. The decisions have been made not by military men and women, but by the President, by Mr. CHENEY, by Mr. Rumsfeld, by Mr. Wolfowitz, and, yes, by Mr. Bremer.

We have seen nothing, I tell my friend, but a series of political decisions made on this war over the last 4-plus years; would that it have been otherwise. We do not seek to micromanage our military, which has done everything we have asked of them. Rather, we do continue to question the decisions of top administration officials, including, yes, the President,

whose judgments regarding this war have proved repeatedly, almost without exception, wrong.

Indeed, it is ironic that the President makes this claim when, in fact, we are mired in Iraq, because politicians who I have just referenced made decisions that prove to be wrong and did not lead to success.

Mr. Speaker, this Congress must not continue to simply rubber-stamp this administration's request. Our Founding Fathers did not think that was our role. They thought our role was to make independent judgments on the people's behalf and have the courage to pass legislation reflecting that judgment.

This legislation responds to the will of the American people and sets forth a policy to take us in a new direction that requires Iraqi responsibility and the pursuit of the political solution that General Petraeus and the Iraq Study Group say was essential if we were going to succeed.

Mr. Speaker, I urge my colleagues from both sides of the aisle: Listen to the American people, fully fund our troops, hold the Iraqis accountable, support responsible redeployment of American troops. Vote to override this veto.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Appropriations Committee.

Mr. WAMP. Mr. Speaker, I want to make five points.

First, we need to realize that this threat is real. And I say to the members of the Get Out of Iraq Caucus that if we were not in Iraq tomorrow, this threat is not going away. We don't spend enough time focusing on this fact that the jihadists within Islam are insulated within the Islamists and the moderates, and there is not enough confrontation from them to each other. This threat is mounting globally. It is spreading. Europe is basically lost. And I don't want America to end up alone, but this threat is not going away, and we need to know it.

Former Senator Fred Thompson said here 2 weeks ago, and he is right, that when we do leave Iraq, it is either going to be a dangerous world or a more dangerous world, and it depends on what we do in Iraq as to whether it is dangerous or more dangerous, and this legislation is at the heart of that challenge.

Number two, words matter. The majority leader of the United States Senate saying that the war is lost was on the front page of al-Jazeera in Arabic. That is not good for our country, not in this conflict or the future. Words matter.

Number three, this legislation was flawed. We said it early on. You shouldn't have this kind of micromanagement, tying the hands of the generals, telegraphing retreat, and then adding a bunch of extraneous matters to this legislation that should go through the regular order and the regular appropriations process. It was a bad bill. You porked it up and slowed it down.

Number four, the veto was the right thing to do. The President is not popular. We all know that. But isn't it refreshing that the President is doing the right thing even though it is unpopular because he is putting the interest of our country above that of his party or even this moment doing the right thing? That is leadership.

Our distinguished Speaker came and said a few minutes ago that she was substituting the President's judgment for her judgment. And I say respectfully to our Speaker, I have served under three Speakers. She has her constitutional role, and it is not the Commander in Chief. She is the Speaker, not the Commander in Chief. She is also not General Petraeus, and this is a wrong-headed approach. We can do better.

Lastly, the solution is for the leadership to go and sit down with the President of the United States and put our troops above our parties. Clearly ask: What do you require?

□ 1330

The President should clearly ask what can I do for the Congress, and let's not go through this again.

My nephew is on his way to Iraq, as many Members of this House know. Let's make sure they have what they need. Let's not give up here. We don't need another Somalia. We don't need another Beirut. We don't need to lose this war. We need to stay and improve and do better and come out with our head up.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank the distinguished chairman of the Appropriations Committee.

Mr. Speaker, when the President vetoed this bill, he said it was because he felt that decisions like this should be left to the military, not the politicians. But Mr. Speaker, the fact is that when the President declared that Iraq was part of the global war on terrorism, there was not one single military officer who agreed. That was a political decision made in the White House to go into this war. Had he listened to the military, we wouldn't be in this war.

Mr. Speaker, the fact is that none of us have been asked to sacrifice anything in pursuit of this war. The sacrifice has fallen exclusively on the backs of our military and their families.

Mr. Speaker, this week, the 2,108th child was told that they will never see their mommy or daddy again because they will never return from Iraq. How many more children have to lose their parents before this policy is reversed, Mr. Speaker? 3,351 American soldiers have lost their lives. More than 24,000 have been seriously wounded. This past month, more than 100 soldiers lost their lives, the deadliest month on record.

Things are getting worse rather than better.

The British Broadcasting Corporation and the American Broadcasting Corporation just completed an extensive survey of Iraqis. It turns out that 82 percent have lost confidence in U.S. policy in Iraq, that 86 percent have lost a member of their household due to violence, and the majority feel that this policy is ineffective, and in fact, they were better off under Saddam Hussein than under the American occupation.

Mr. Speaker, the State Department just reported that the number of terrorist incidents has gone up by 25 percent, most of them in Iraq.

This policy has been a failure. I urge a rejection of the President's veto of this bill. This bill will set the course that the American people are demanding.

Mr. LEWIS of California. Mr. Speaker, only because we are rambling on time, could I have a check of time, please.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 18½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 17 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 4 minutes to the gentleman from California (Mr. DREIER), the ranking member on the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my California colleague and congratulate him on his stellar leadership on this and a wide range of other issues.

As I came to the floor just as our colleague the distinguished majority leader, the gentleman from Maryland, was addressing this House and he talked about politicization of statements that have been made, I will tell you, Mr. Speaker, when Saddam Hussein was toppled, it was not a celebration of one political party over another. It was not even a celebration just of Americans. It was a global celebration over the fact that we took this butcher who had murdered literally hundreds of thousands of his people, and we brought his reign of terror to an end, and that was worth celebrating.

Now, what we saw yesterday was nothing but partisanship because we know there is a real divide here. We know that the country is divided, and we know and the President of the United States, Mr. Speaker, has acknowledged that mistakes have been made, and we have gone through real difficulty.

I also heard the majority leader talk about the fact that there is no definition of victory. Mr. Speaker, it has been very clear from the beginning victory consists of two factors that are very important. First, we need to make sure that we have an Iraqi military force, the ISF, the Iraqi security force, able to defend the country, and we need to make sure that there is a government that can govern the country.

Those are the two items that have been placed forward. That is all we

want. We have seen self-determination take place with three elections that have taken place in Iraq. We have seen, I believe, positive news come forward.

Now, Mr. Speaker, we constantly hear people describe this as the Bush plan. We hear the litany of others, and as my friend from Tennessee (Mr. WAMP) just said, we know that the President is not terribly popular. The President knows that he is not very popular. He likes to say everyone likes to be loved, but I would rather be right than be loved.

So we know that the President obviously does not have a high approval rating right now, but he is doing the right thing. He is doing the right thing, and I believe, Mr. Speaker, that this goal is a very valiant one and a very, very important one for us to pursue. We have to bring about some kind of bipartisan resolution.

I am very pleased to have indications come from our friends on the other side of the aisle about the fact that we are going to provide important funding for our troops. We have to do that. That is absolutely essential, but we need to realize that we are in the midst of a new strategy.

I had the opportunity to talk with my good friend Mr. MURTHA, the distinguished chairman of the Defense Appropriations Subcommittee, the other day, and we agree that we have got to come to some kind of bipartisan resolution of this.

But the important point that needs to be made, as we hear the names of these unpopular people, Wolfowitz, Rumsfeld, Bush, thrown out there, we have to realize again that this is a new strategy, and this is the Petraeus plan. It was Dave Petraeus who last week said, before a large bipartisan gathering of Members, that Iraqis today are fighting and dying for their country. And it was Dave Petraeus who said, let us have until September, at which time I will report back with my colleagues to the President of the United States and the Congress.

I talked to, just day before yesterday, a very strong supporter of Mr. KERRY's when he was running for President, a strong, committed Democrat, and he said that he believed that establishing some sort of artificial timeline would be wrong.

The President described it last night following issuance of his veto that it clearly would be a prescription for defeat, and I believe that we need to make sure that, again, as Dave Petraeus said, since Iraq is the central front in the battle against al Qaeda, we need to keep it there.

Mr. Speaker, sustain this President's veto. Let's come together and provide the necessary funding for our men and women in uniform.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, three points. First, why is this an emergency? It is an emergency because the administration has never funded this war on the books. The people who will pay for this are the sons and the daughters of the men and women in the military who are now fighting it. That is wrong and irresponsible.

Number 2, the military has done its job. They were asked to get rid of Saddam. He's gone. Find weapons of mass destruction. They don't exist. And allow Iraq to have democratic elections. They have had three.

Third point, the President says ''no'' to timetables. Of course we must have timetables. How else to hold the Iraqi politicians responsible? They have to have an oil law. They have to renounce sectarianism in the security force. And the only way that we are going to stop asking our military and our taxpayers to referee a civil war and to finance it is by having the President of the United States do what he must do and say we want accountability from the Iraqi political leadership.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank you very much and I thank the whip for allowing me to go at this time.

Let me just say I remember my Democrat colleagues after 9/11. They, along with us, were one voice saying we're going to go after these terrorists, no matter where they are; no matter how long it takes, we're going to get them.

The terrorists attacked the World Trade Center, the *Cole*, our barracks. They've attacked us many times. They attacked us once before at the World Trade Center. And al Qaeda has attacked in France, England, Spain, Indonesia, and elsewhere.

Now, the leader of the military wing of the terrorists in Iraq is al Qaeda. He's the guy that's going to lead the fight to make Iraq an Islamic State, a jumping-off point for terrorism around the world, al Qaeda, the same ones that attacked the World Trade Center and these other things.

I can't understand how my colleagues on the other side of the aisle, knowing al Qaeda is in charge over there, the military wing of the terrorists, knowing that they want to destroy us, knowing that Osama bin Laden said he wants to destroy America, that you want to pull out, that you want to tell them exactly when you're going to leave.

We're going to start moving in 4 months. We're going to be out of there in 12 months. You want to cut our troops off at the knees, and do you think al Qaeda is not going to be happy about that? What do you think Iran is thinking right now? What do you think Syria is thinking right now? What do you think al Qaeda is thinking right now? They're thinking we don't have the guts to go get 'em, and so they're encouraged.

Al Jazeera was mentioned just a minute ago. That paper has got all kinds of articles saying we're going to get out, and you guys are giving them all the information they need to know that they can prevail if they wait us out. If they do, we're going to have more terrorist attacks here in America. They're waiting for us to get out so they can focus all their attention on the United States and our allies.

We must not do this, and that's why we should sustain the President's veto.

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

I would simply point out to the gentleman who just spoke that the bill before us specifically allows our troops to continue to go after al Qaeda in Iraq, even after they are repositioned out of fighting that miserable civil war.

I would also simply say, the gentleman asks ''What do you think al Qaeda thinks.'' I think al Qaeda wants us to stay in Iraq. It is clear from the beginning that they were happy that we went there, that we got sucked in there, because we have served as a recruiting poster for al Qaeda. That is what al Qaeda thinks.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the Republican whip.

Mr. BLUNT. I thank the gentleman for yielding.

We all know that in a few minutes the President's veto will be sustained. We didn't all figure that out this morning. We didn't all figure that out last week. We didn't even all figure that out last month. We've known that since the very start of this debate, 90 days of debate at a time when there are real consequences for our troops.

There are consequences, we are told this week, in the preparation for troops going to Iraq and action. There are consequences of maintenance on bases in this country. There are consequences in the way we are dealing with our equipment and our repairs, and we have taken 90 days to get to this point so we can start all over again.

I hope when we start all over again this afternoon that we will start all over again with a commitment to get this job done as soon as possible, rather than to take as long as possible. It does matter. The message we send to the world matters. The message we send to our troops matters. This bill needs to be as clean as possible. It needs to be straightforward.

There are things in this bill that in another bill I could support. There are things in this bill I couldn't support in any bill, but there are things here that should be done that have nothing to do with this bill. I don't know why they were put on. Maybe they were put on to try to see if the majority could get the last votes necessary to pass a bill that has restrictions on the military that this Congress should never have advanced to the President's desk.

The President has vetoed. We will uphold that veto. Let's work together now to get the job done to support the

troops in Afghanistan, in Iraq and everywhere else around the world who are feeling the consequences of this 90 days we have already taken.

I will work with you. I hope you will work with us. We need to get this job started.

□ 1345

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman.

Mr. Speaker, I believe our Republican colleagues are correct. This Congress spoke with one voice on the war on terrorism, and we continue to do so. Indeed, if President Bush had pursued the war on terrorism and the perpetrators of 9/11, instead of getting diverted to Iraq, which had nothing to do with 9/11, then when he hoisted that ''Mission Accomplished'' banner four years ago, it would have had meaning.

Instead, we have a burn rate of $10 billion every month in Iraq, $14 million every hour, 24 hours a day, 7 days a week, every week, every month of the year. More importantly, the real burn rate is in the loss of more than 3,300 American lives, brave men and women over there fighting for our country; 96 percent of those deaths, almost all of them, lost their life after President Bush declared ''Mission Accomplished.''

Today, the President can veto our attempt to secure a safe, orderly, phased redeployment of our troops from Iraq, but he can't veto reality. Our troops are coming home. It's just a question of what price is paid in blood and money before that happens.

The President talks about listening to the commanders and the generals. I wonder if he was listening to General William Odom, the former National Security Agency Director, last Saturday when he said the President has let the Iraq war proceed on ''automatic pilot, making no corrections in the face of accumulating evidence that his strategy cannot be rescued.''

If the President had listened to the generals, we would never have gone into Iraq in the first place. It was General Schwarzkopf who said, we would become ''like [a] dinosaur in a tar pit.''

If he had listened to the generals like General Shinseki, if he had insisted on going into Iraq, he would have sent enough troops to get the job done and not turned over all those weapons dumps to be converted into IEDs.

If he had listened to the generals, he would have provided our veterans with the health care that they have earned and deserved instead of subjecting them back here to the facilities and care they found in the United States.

The generals who disagree with this President earn a new title: Retired.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 3 minutes to the former chairman of the Armed Services Committee, DUNCAN HUNTER of California, now the ranking member.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I think it's important to interpret this debate. I have heard the Speaker talk about redeployment and say that there is a lot of discretion that is left to the administration. There is no discretion. The dates of so-called redeployment are defined. You either start going out July 1 or October 1. Redeployment means withdrawals.

If generals do not start redeploying, do not start withdrawing from the battleground, you can bet Democratic leadership will be here pulling them into hearings, asking them why they didn't saddle up their brigades, their battalions and their divisions and start to move them off the battlefield. So let's get this straight. This is about withdrawing from the battlefield.

Listening to this debate, and listening to the controversy and the statements by Democratic leadership that have preceded this vote today, there is a constant theme: Somehow American soldiers and marines are victims. They are victims of extended tours; they are victims, the last gentleman said, they claim, of not getting enough health care. They are people that have been victims in the war against terror.

Let me tell you, I have seen the timelines that are given, the 270 days for Marines, the 365 days. A number of them have gone through one, two, three and sometimes four tours. Our Americans, and that includes my son, who is deploying now for the third time, will not fail, they will not crack, they will not stretch. They will hold, and they will carry out this mission against terrorists.

We are right now in the second phase of a program we have used for 60 years to stand up free governments around the world. You stand up a free government. We have done that.

Secondly, you stand up a military capable of protecting that free government. That is a second stage. That is a stage we are in right now.

Thirdly, we leave, because America doesn't covet anything that another nation has.

We are in the second stage right now. It's tough, and it's difficult. This is a tough, difficult mission, but it is a mission that we can accomplish.

I am reminded, lastly, that the Speaker talked about stopping the war. That is how she described this bill. The Democratic leadership does not have the power to stop the war against terror. All they have the power to do is to leave the battlefield. That would be a disaster for the United States of America.

Mr. OBEY. Mr. Speaker, I yield myself 20 seconds.

I would also observe that our soldiers don't have the power to require Iraqi politicians to quit killing each other and make the diplomatic and political compromises necessary to end this civil war. Only Iraqi politicians have that, and we are trying to send them a message with this bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, by vetoing this bill, the President refuses to sustain the troops that we have sent to Iraq. Every dollar they need, every ounce of protection they need, and the health care they need when they come home is in this bill that he has vetoed. We refuse to sustain a failed, endless policy that takes us nowhere.

The President refuses to acknowledge the reality that we have sent our sons and daughters to be referees in a bloody civil war. We acknowledge that reality, and we want to stop it.

The President refuses to acknowledge the comments of General Petraeus, who says that ending this civil war is a political mission, not a military one. We acknowledge that reality, and we provide the tools to achieve success in that political mission.

Today the President has refused to acknowledge the will of the American people, but we are expressing the will of the American people.

We will vote to override this veto, and the result will obtain. But we will never yield, never quit, never back up in this effort to change this failing policy and bring our troops home from Iraq.

Vote to override this veto.

Mr. LEWIS of California. Mr. Speaker, could I inquire about the amount of time.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining. The gentleman from Wisconsin has 11¼ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman from California.

Mr. Speaker, I think that we have to sustain this veto today. I think it's the right thing to do, because I think we need to go back to the drawing board on this. Number one, the President does have the constitutionally defined duty to fight wars, to direct the militia, particularly in a time of war, and I think that we are getting into a position where we have a lot of folks on Capitol Hill, perhaps as high as 535 of us, who think we can run the war more than the Commander in Chief.

I think we have to recognize that constitutionally the President has to do that. I think the President really has to veto this bill. It's as much for the preservation of the office as it is for his own personal views today.

I think, secondly, while the benchmarks themselves make sense, and there is a lot of bipartisan agreement on the benchmarks, there is also great division as to can these benchmarks be achieved by the dates outlined in the bill.

One of the things General Petraeus said to Congress last week is that the

new Government of Iraq, and keep in mind, this is the fourth election that they have had and the first permanent government, but one of the things they need, as much as anything, is our push. This bill serves to push them. But it also needs our assurance, our assurance that we will be with them through this process.

If you pointed out in 1870 would America be in a position to pass major civil rights legislation, we would not be at that point. The Government of Iraq might not be ready to bring in all the Baathists or to the level in which we would like to see it done by July or by October, and so I think that we have to give them a little more assurance that we're going to push you, but we're not going to pull the rug out from under you.

I think that we, on this committee, the defense committee, the Appropriations Committee, which historically is known for getting things done at the end of the day, often have friends say to me, as a Republican, but I often have the question asked to me, we know you're a Republican, and we know you can be partisan, but do you do things bipartisanly?

I am always proud to say, you know, the number one committee that I serve on, which I also think is the number one committee in the House, is a very bipartisan committee. Now, we will debate things, gun control, abortion, things, always are putting riders, environmental stuff, on our bill. Yet we clash about it in committee time and time again on ideological, principle-based positions. Yet at the end of the day, we know that the bill has to be passed, because if you don't get the appropriations train to the station, the government shuts down.

I think at this point, the Appropriations Committee can go back to the drawing board and come up with something that is still based in principle that both sides can respect. But it does put the troops forward, as we do have strong bipartisan basis to want to do right now, but it would also take care of some of the politics of Iraq and the diplomacy. For that reason, I think we have to vote to sustain the veto.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the House Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank my friend from Wisconsin.

Mr. Speaker, it really depends on where you put the spotlight. The spotlight has, unfortunately, been on some goals or a goal to redeploy troops, when truth in fact the spotlight of this legislation should have been and should be on the readiness of the troops of the United States. I am truly concerned about the readiness, let me tell you.

In the last 30 years, there have been 12 military contingencies in which the United States military has been involved. If this means anything in the future, sure as God made little green apples, we are going to have conflicts or concern, we hope none, but in the future.

Readiness is a major part of it. The testimony is that a large, large percentage of our equipment, Active Duty, National Guard and Reserve for the Army, is in the Middle East. It's not here; it's not available for training. What is over there, of course, because of the sand, the conditions and the usage, is getting worn.

I truly worry about the training and the equipment for our Army and for our Marines in particular, because we don't know what the future holds. That is where the spotlight ought to be on this legislation, the positive aspects of it in preparing the readiness for tomorrow as well as for the readiness of today for the groups that are going over time after time, whether it be for 12 or for 15 months.

My hats off to those young people in uniform. It's our job to maintain them and take care of them. This bill would have done that.

Mr. LEWIS of California. Mr. Speaker, I believe that both of us are coming very close to the end of our time.

Mr. OBEY. We are ready for our summary statement.

Mr. LEWIS of California. As we do that, why don't we just join together, as we approach our closing speaker, and express our appreciation, is that all right with you, to the staff of both sides?

Mr. OBEY. Absolutely.

Mr. LEWIS of California. A fabulous job has been done on this. I am very proud of the people over here. I know you feel the same, and presuming that you would like to have me yield, I would be happy to.

Mr. OBEY. I would simply say that I appreciate the work that the staff has done on both sides of the aisle, and the work that they will continue to do. It's going to be a long time before this issue is disposed of. I appreciate the fact that they worked, literally, night and day to bring us to this point.

Mr. LEWIS of California. Mr. Speaker, I am very proud to yield 1 minute to the Republican leader of the House, JOHN BOEHNER of Ohio.

□ 1400

Mr. BOEHNER. Mr. Speaker, my colleagues, the President was right to veto the bill that we have before us. And I believe that the House today will sustain the President's veto because the bill that we have before us that is purportedly there to pay for our efforts in Afghanistan and Iraq and other issues, in my opinion, ties the hands of our generals and our troops on the ground and almost mandates failure in Iraq.

I think it is time for us to work across the aisle to produce a clean bill that the President can sign into law to sustain our efforts in Afghanistan and in Iraq, and to make sure that at the end of the day we have victory.

The fundamental question that we are all dealing with in this Chamber and elsewhere is, why is Iraq important? Why is winning in Iraq so important?

In my view, and in others, al Qaeda has made Iraq the central front in their war with us. Those aren't my words, those are their words. They started this war when they attacked us all through the 1990s and when they attacked us in New York City on 9/11.

And while we went to Iraq to take out Saddam Hussein and to help build a more stable, democratically-elected nation in that part of the world and bring more stability there, it has turned into much more than that.

According to the Memorial Institute for the Prevention of Terrorism, a nonprofit organization funded by a grant from the Homeland Security Department, Iraq today is home to 77 different terrorist organizations. They have made this, they have made Iraq the central front in their war with us.

We all know that there is a growing movement around the world of radical Islamic terrorists that want to kill Americans and want to kill our allies. They are operating all over the world and they are attacking people all over the world. Just think about where they have been over the last several weeks, whether it was Bangladesh last night or elsewhere. They are continuing their efforts to try to gain control of the world, and part of that effort is aimed directly at us. Americans, freedom loving people, up against people who don't want freedom for people, that want to impose radical Islamic law on all of us. And so they have made Iraq the central front in their war with us.

And if we walk out of Iraq, if we don't give this plan a chance to succeed, we encourage the terrorists. We will encourage them. They will be able to recruit new people all over the world. They will have a safe haven in Iraq itself. We will destabilize the entire Middle East, including the very existence of Israel. And who doesn't believe that if we don't deal with the terrorists in Iraq, that we won't be dealing with them on the streets of America? That is why Iraq is important. And if we are not willing to stand up to the terrorists and defeat them in Iraq, when and where will we draw the line to protect the American people, our ultimate responsibility?

We have a serious responsibility, and there is no greater responsibility for those of us who serve in this Chamber, than to provide for the safety and security of our constituents and our people in our country.

So tell me, if we are not going to stand up to them in Iraq, if we are not going to take them on in Iraq and defeat them there, when and where will we do it?

And the fact is, is that our troops are doing a great job in Iraq under very difficult circumstances. They deserve the support of all the Members of this House.

And so I say to my colleagues, it is time for the games to stop, it is time

for the political points to be taken off the board, and it is time for us to sit down as Members on both sides of the aisle and give the President a clean bill that funds our troops in Iraq and Afghanistan, that furthers our effort to take on the terrorists and defeats them, and doesn't do it with some $20 billion worth of excess spending that has nothing to do with this bill.

I urge my colleagues to sustain the President's veto.

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

Mr. OBEY. Mr. Speaker, the gentleman who just spoke said that withdrawing from Iraq will destabilize the Middle East. The President's policy has already destabilized the Middle East.

He says that this policy endorses failure. The fact is that the only endorsement of failure comes on the part of those who will vote to continue the President's existing policy, because the President's policy in Iraq has been a 4-year failure.

We need a change in direction. The only question about the President's policy is whether it will produce a disaster or whether it will produce a catastrophe, and I am afraid it will produce the latter.

Mr. Speaker, I now yield the remainder of my time to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, we will have appropriated in one year, $1.2 trillion. This bill that we are voting on today is called the Iraq Accountability Act.

Now, it's fine to have loyalty to the President of the United States. All of us know how important loyalty is; all of us know how important it is to be loyal to our friends, but there comes a time when this independent Congress has to stand up to the President of the United States.

We will have appropriated $95.5 billion. And if you vote against this bill, you're voting against that which is $4 billion more. You're voting for loyalty to the President, but you're voting against $4 billion more, $95.5 billion for the amount for the Department of Defense programs.

If you vote for President Bush, you're voting against $12.3 billion for military personnel pay and benefits, everything the President asked for. If you vote for loyalty to President Bush, you're voting against $1.2 billion, mostly to cover housing allowances which were left out of the last bill. The total amount provided is $13.5 billion. If you vote for President Bush and loyalty to President Bush, the conference committee has added $1.15 billion to cover the full cost of housing allowances. The committee has also added $2.3 billion to cover the full cost of 36,000 Army troops and 9,000 Marines. If you vote to be loyal to the President, you're voting against those troops.

When you talk about support the troops, I am talking about supporting the troops. Conferees recommend $50.4 billion for military operations even more than the President requested. We are adding $2 billion to address training and equipment shortfall.

The chairman of the Armed Services Committee talked about readiness. Right now, we have a tremendous shortfall of equipment. We have no strategic Active Duty Reserve in this country. And we put extra money, we put $2 billion in to start to replenish the strategic reserve.

This conference proposes to fully fund the President's request to train and equip Iraqi and Afghanistan troops. If you vote against this bill, if you vote for the President and to be loyal to the President, you're voting not to include $25.6 billion in equipment purchases, $800 million above the President's request.

If you vote against this bill, you're voting not to allocate $3 billion to purchase the mine resistant, new vehicle with the V-shape which resists the IED, one of the most important pieces of equipment that we will send to Iraq. We put $400 million for Abrams vehicles, Abrams tank, and we put $768 million for the Strykers.

Now, let me talk about defense health. Today, the Subcommittee on Defense just had a hearing on defense health. Every single year, Dr. Chu, the Defense Department shorts the health care system of $2 billion. Every year. Every year, the Congress has to make it up.

We have extra money, we have $3.3 billion for the defense health care programs; $2.1 billion above the budget request. If you vote against this bill, you're voting against those requests. $450 million for traumatic stress brain disorders; $450 million for traumatic brain injuries and post traumatic stress; $661 million to cover funding shortfalls created by the Congress in having disapproved the Department's proposed increase in health insurance premiums; fees for military beneficiaries; $62 million for amputee care; $12 million for caregivers. This is an important point. For caregivers. We heard from the Department of Health, from the Defense Department about the problem caregivers have.

All of us go to the hospitals as often as we can. I get post traumatic stress seeing these young wounded people. I am inspired by them. I see the families when I went to Fort Bragg and Fort Stewart and Fort Hood. I admire them. I admire their discipline, I admire their courage. I admire their patriotism. But let me tell you something: They're burned out. They're hurting.

If you vote against this bill, you're voting not to give them the money that they need. If you vote against this, you're voting against the provision that says no permanent bases in Iraq. If you vote against this, you're voting against 15 percent that comes out of Defense for the contractors. We have 125,000 contractors in Iraq and there has been no oversight, and we had 2 months before we could even find out about the contractors.

One of the provisions we put in this bill was a provision that said you can't deploy troops unless they are trained and equipped. You can't deploy troops unless they've had at least a year at home. Now, more and more I am seeing, they are saying that's the most important provision in this bill. They need a year at home to recuperate from their deployment; they need a year at home to retrain and to get ready to make another deployment. The Secretary of Defense made that decision, and we appreciate him making that decision. But at the same time, because of the policy of the White House, he had to make the decision, in order to sustain this deployment he had to make the decision to extend them to 15 months. I hear rumors that he is going to extend them for 18 months.

The troops that I talked to, the troops that I talked to just recently, were very frank with me. I said, ''Look, we want to help in any way we can. Tell us what the problems are.'' And they went through the myriad of problems they have with these deployments.

These are individuals. These are individual people. They've got families. They have loved ones. One first sergeant said to me, ''I hate to tell my kids I have to go overseas again. I hate to tell the kids.'' One woman in Iraq, and this is in an article in The Washington Post, she sighed and she says, ''This war is a war between the Iraqis,'' she said. Another soldier said, ''We're just interfering and letting our soldiers die.''

I have to say that when you say there is some success in Iraq, we had four of the deadliest months in the history of this 4-year war in Iraq. We had more people killed in the last 4 months than any other period of time during this war. We have had 330 killed since the surge started. And these are individuals. These are not numbers, these are individuals.

We have less electricity than we had before the war started, less oil production than we had before the war started, less potable water, higher unemployment.

We have a provision in this bill that says the Iraqis have to take over this fight themselves. The Iraqis just maybe killed one of the highest leaders. That's what we want. We want to give them the incentive to take over the security themselves.

And let me say what's important on this floor of the United States Congress and what's important to the President of the United States: It is the national security of the United States. That's what's important. It is important that Iraq take over their national security, but our own need concerns me. Our strategic reserve is depleted completely, our troops are burned out, and we need to find a way to do a diplomatic effort, to put an all-out surge in diplomatic efforts in order to bring our troops home as soon as practicable.

So I urge the Members to override this veto, and start to bring our troops home as soon as practical.

Mr. LEVIN. Mr. Speaker, today there are two distinct messages coming out of Washington. The first message is from a majority of the Congress and underscores impatience with the lack of political progress in Iraq. We call for a new direction, including enforceable benchmarks for the performance of the Iraqi government. The other message is from the White House. The message the President is sending is that America's military commitment in Iraq remains open-ended, no matter what.

The President keeps saying that we're making progress in Iraq. This claim cannot be reconciled with the facts. Nearly everyone agrees that there is no military solution possible in Iraq; rather, the Iraqis must make the political compromises necessary to end the violence.

But where is the progress on the benchmarks that the President himself has endorsed? Where is the agreement to fairly share Iraq's oil wealth among all of Iraq's people? Where is the law reversing the disastrous de-Baathification policy? Where are the promised new election laws? Where is the progress on amending the Iraqi constitution to address longstanding Sunni concerns? The Iraqi government has repeatedly promised action on all of these, but there is little forward movement after many months.

Benchmarks are only real if there are consequences for failure to meet them. Back in January, the President said, and I quote, ''if the Iraqi government does not follow through on its promises, it will lose the support of the American people—and it will lose the support of the Iraqi people.'' But by vetoing the Iraq Accountability Act, the President has made it clear that failure to follow through on the benchmarks will not result in the loss of the White House's support for this open-ended war.

From the beginning, the Bush Administration has been wrong so many times about nearly every aspect of the war in Iraq. Now the President comes to Congress again to ask for yet another blank check. We should not give him one. I urge the House to override the President's veto.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of overriding the President's misguided veto of H.R. 1591, U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. We need a new direction in Iraq.

This legislation contains every penny the President has requested for our troops in Iraq and adds $4 billion more. The bill includes additional funding for military health care and military housing and provides $1.8 billion not requested by the President to begin meeting the unmet health care needs of veterans returning from Iraq and Afghanistan.

As the Representative for Fort Bragg, I strongly support our troops, their families and their communities. Our superb military men and women have done everything that has been asked of them and done it well. America's military victory in Iraq was achieved when Saddam Hussein's regime was toppled. But the Administration went to war without a plan to win the peace, and our military victory has been bogged down in a mindless occupation led by bitterly stubborn politicians here at home.

Just last month, Vice President CHENEY insisted that Saddam Hussein had been allied with Osama bin Laden's terrorist network despite all evidence to the contrary. Last night, the President vetoed this legislation in favor of his failed strategy of stay the course. The leadership of this Administration continues to be in a state of denial, and Congress must assert its rightful role in our nation's policymaking. I will vote to override this veto for a new direction in Iraq, and I urge my colleagues to join me in doing so.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise to announce that I will proudly cast my vote to override the President's veto of H.R. 1591, the ''U.S. Troop Readiness, Veterans'' Health and Iraq Accountability Act.'' By vetoing the bipartisan Iraq Accountability Act last night, the President vetoed the will of the American people. The President vetoed a responsible funding bill for the troops that would have provided more funding for our troops and military readiness than even the President requested.

By vetoing the Iraq Accountability Act, the President rejected a bill that reflects the will of the American people to wind down this war. By vetoing the Iraq Accountability Act, the President turned a deaf ear to the loud message sent by the American people last November.

I will vote to override the President's veto because the Iraq Accountability Act offers us the first real chance to end the misguided invasion, war, and occupation of Iraq. It puts us on the glide path to the day when our troops come home in honor and triumph and where we can care for him who has borne the battle, and for his widow and orphan. This legislation helps to repair the damage to America's international reputation and prestige. It brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement. Finally, it places the responsibility for bringing peace and security where it clearly belongs and that is squarely on the shoulders of the Iraqi government.

Mr. Speaker, in vetoing the legislation, the President claimed the Iraq Accountability Act, H.R. 1591 would undermine our troops and threaten the safety of the American people here at home. Coming from an Administration that has been wrong on every important question relating to the decision to launch the Iraq War as well the conduct of it, this claim is laughable. It is nearly as ridiculous as the President's often stated claim of ''progress'' in Iraq. The facts, of course, are otherwise. The U.S. death toll in Iraq reached 104 for April—making it the deadliest month of the year and one of the deadliest of the entire war. It is therefore little wonder that nearly 70 percent of Americans disapprove of the way the President is handling the war. But more important, the President's claim that the Iraq Accountability Act undermines our troops and threatens the safety of the American people here at home is simply not true.

Republican Senator CHUCK HAGEL recently returned from Iraq and paints a bleak picture: This thing is coming undone quickly, and [Prime Minister] Maliki's government is weaker by the day. The police are corrupt top to bottom. The oil problem is a huge problem. They still can't get anything through the parliament—no hydrocarbon law, no de-Baathification law, no provincial elections.

Mr. Speaker, many of the Nation's most highly respected generals and several leading Republicans have endorsed H.R. 1591; all of them oppose the President's plan to escalate the war in Iraq. Take, for example, Maj. Gen. John Batiste, U.S. Army (Ret.):

This important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military alone will never establish representative government in Iraq. The administration got it terribly wrong and I applaud our Congress for stepping up to their constitutional responsibilities.

Maj. Gen. Paul Eaton, USA, Ret. supports this legislation because it ''gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group.'' According to Major Eaton, the real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq:

The argument that this bill aides the enemy is simply not mature—nobody on the earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department.

Lt. Gen. William E. Odom, U.S. Army (Ret.), President Reagan's Director of the National Security Agency, supports the bill because it gives the President a chance to pull back from a disastrous course, re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved.

Mr. Speaker, to date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breath taking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,316 brave service men and women—64 in the first 16 days of this month. More than 24,912 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

Mr. Speaker, it is time to hold the Bush Administration and the Iraqi government accountable. This bill's timetable and benchmarks finally hold the Iraqis accountable. As retired Maj. Gen. Paul Eaton has stated, This bill gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq.

Even Defense Secretary Robert Gates has noted that the timetable is helpful—and sends

the message that ''the clock is ticking.'' Gates said ''The strong feelings expressed in the Congress about the timetable probably have had a positive impact. . . . in terms of communicating to the Iraqis that this is not an open-ended commitment.''

Mr. Speaker, in overriding the President's veto, this House will be doing the business and expressing the will of the American people. In the latest CBS News/New York Times poll, 64 percent of Americans favor a timetable that provides for the withdrawal of U.S. troops from Iraq in 2008. In the same poll, 57 percent of Americans believe that Congress, not the President, should have the last say when it comes to setting troop levels in Iraq.

Mr. Speaker, in overriding the President's veto, Congress is fulfilling its constitutional responsibilities and exercising the first check on the President's power in 6 years. As Iraq Study Group Co-Chairman Lee Hamilton has pointed out, The Founders of our Nation never envisioned an unfettered president making unilateral decisions about American lives and military power. They did indeed make the president the commander in chief, but they gave to Congress the responsibility for declaring war, for making rules governing our land and naval forces, for overseeing policy, and of course the ability to fund war or to cease funding it.

Mr. Speaker, I urge all members to join me in overriding the President's veto of Iraq Accountability Act, H.R. 1591. This is the best way to ensure accountability to our soldiers who have been sent into battle without proper training or equipment or a clear mission. It is the best way to keep faith with our veterans who are not getting the best medical care when they come home. Overriding the President's veto is essential to restoring our military that is being stretched to the limits by the Bush policy. Last, it is absolutely necessary to regain the confidence of the American people who demand a new direction in Iraq.

Mr. KENNEDY. Mr. Speaker, the President is making a terrible and costly mistake by vetoing the war funding bill and rejecting the clear desire of Congress and the country for a swift redeployment of U.S. ground forces from Iraq.

The veto and the insistence on staying the course is not a mistake simply because it ignores public opinion; we wouldn't want a Commander-in-Chief to be simply a weather vane.

And it is not a mistake just because our courageous troops and military families are exhausted from bearing the full weight of sacrifice themselves. We know they are prepared to pay any price for American security, which is why we owe them such a debt of gratitude.

No, the President's veto is a grave mistake because refusing to change course in Iraq is compromising U.S. security.

Administration rhetoric notwithstanding, policing the civil war in Iraq does not bring us closer to defeating the global network of extremists who wish to harm us. To the contrary, in order to improve national security and best address our other strategic interests around the world and here at home, we must dramatically change our current direction in Iraq.

Our men and women in uniform have always served our country courageously and performed brilliantly. But asking them to stand between warring factions is not only unfair, it is counterproductive.

Redeployment from Iraq will enhance our security by allowing us to properly address other potential challenges around the world from Afghanistan, North Korea, and Iran to Latin America, the Horn of Africa, and the greater Middle East. In particular, it will allow us to put our attention back on Afghanistan and the fight against a resurgent al Qaeda and Taliban, the enemies who actually did engineer 9/11.

Bringing troops home also allows us to resolve the concerns about the readiness of our Armed Forces, which have been strained to the breaking point because of this Administration's careless management of the war in Iraq.

Only by extricating ourselves from the mess of Iraq can we begin moving our country back to a common-sense policy of strength through leadership. Every day our military is in Iraq our standing in the international community erodes further.

Already we've seen respect for the United States plunge from record highs after 9/11 to record lows now. This loss of moral authority compromises our ability to lead multinational efforts to fight national security threats from terrorism and nuclear proliferation to global warming and drug trafficking.

Our continuing military involvement in Iraq carries these steep costs with little prospect of benefit. Only the Iraqis can bring about the needed reconciliation in their country. Their political leaders must take the difficult political steps needed to cease the violence in their country, by building coalitions among competing sects, ensuring minority rights, balancing power between provincial and central governments, and sharing oil revenues among all regions in Iraq. We simply cannot do this work for them.

By setting a deliberate timetable for redeployment, we force the Iraqi political leaders to acknowledge and accept that they are the ones who must take steps to bring about an end of the sectarian violence.

Bad things may happen when our Armed Forces leave Iraq if the Iraqis cannot or will not choose reconciliation over conflict. But that will be true if we leave at the end of this year, the end of next year, or in 2015. Delaying redeployment simply delays the Iraqis' moment of responsibility.

Our strong leaders of the last century, like Presidents Roosevelt, Truman, Kennedy, and Reagan, recognized that while American military might was important, American values were our greatest strength.

Just as we rallied the world in the Second World War and defeated the Soviets in the Cold War on the strength of our Nation's democratic ideals, ultimate victory against this generation of enemies will similarly be won in the minds of millions around the world, not on the battlefield in Iraq or anywhere else. Indeed, that long-term victory is impossible while we are in the middle of Iraq's civil war.

There is no easy solution to the problems in Iraq, but it would be irresponsible to push a difficult decision off to another day, another Congress, or another President. We must stand firm and hold the Iraqi leaders responsible for their country. It is time for the United States to turn its attention to its broader global security and redeploy from Iraq.

Mr. HALL of New York. Mr. Speaker, I rise today to express my disappointment with President Bush's veto of the Iraq Accountability Act. Sadly, this is just the latest example of the President's unwillingness to change his mistaken policy towards Iraq. After more than 4 years of the President's stay-the-course strategy in Iraq, we must provide a responsible plan to redeploy our troops and require the Iraqi government to meet basic benchmarks for stability. This bill presented that plan and the President should have signed it into law.

Last month, 4 years after the President declared ''Mission Accomplished,'' was the deadliest month for American troops in Iraq this year. For too long, the Republican-led Congress failed to exercise its Constitutional responsibility to hold the Bush Administration accountable—with disastrous results for the American people. No longer.

I have opposed the war in Iraq since its start, and today with my vote to override the veto I was proud to vote once again to take our policy in Iraq in a new direction. More than 4 years after the President declared the end of major combat in Iraq, we suffered over 100 U.S. military casualties in April alone. We must provide a responsible plan to redeploy our troops and require the Iraqi government to meet basic benchmarks for stability.

Our country faces serious threats. There are dangerous people in this world that seek nothing more than to kill as many Americans as possible. The number of people who died from my district on September 11th make me acutely aware of this dire threat. I was proud to vote for a bill that allows us to refocus our military on that threat. That would allow us to seek out, capture, or kill those who were responsible for September 11th or who currently plot to kill Americans rather than police a civil war in Iraq.

I'm disappointed that the President chose to ignore the American people and veto the Iraq Accountability Act. He should have signed this bill, in order to get these needed resources to our troops and our veterans, hold the Iraqi government accountable, change course in Iraq and refocus on destroying Al Qaeda.

As we move forward, the President must realize that this Congress is not going to give the President a blank check with which to ignore the will of the American people on Iraq. Four years of a flawed strategy are 4 years too long.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 222, nays 203, answered ''present'' 1, not voting 7, as follows:

[Roll No. 276]

YEAS—222

Abercrombie	Berkley	Braley (IA)
Ackerman	Berman	Brown, Corrine
Allen	Berry	Butterfield
Altmire	Bishop (GA)	Capps
Andrews	Bishop (NY)	Capuano
Arcuri	Blumenauer	Cardoza
Baca	Boswell	Carnahan
Baird	Boucher	Carney
Baldwin	Boyd (FL)	Carson
Bean	Boyda (KS)	Castor
Becerra	Brady (PA)	Chandler

Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
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 (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—203

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
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
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
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
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNulty
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
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Kucinich

NOT VOTING—7

Davis, Jo Ann
Engel
Gillibrand
Lampson
McMorris Rodgers
Ortiz
Westmoreland

□ 1437

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

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

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WESTMORELAND. Mr. Speaker, due to being unavoidably delayed, I missed a vote on H.R. 1591, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007—Passage, Objections of the President Not Withstanding (rollcall No. 276). I would have voted ''nay'' had I been present to record my vote.

The SPEAKER pro tempore. The message and the bill are referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to submit their remarks on H.R. 1429, to be taken up next.

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

There was no objection.

IMPROVING HEAD START ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 348 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. 1429.

□ 1439

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. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, with Mr. SCHIFF 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. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, today we take up the Head Start Improvement Act of 2007. This is a bipartisan piece of legislation, as it was last year when it was brought to the House floor. And in that vein, I certainly want to begin by thanking the staff on both sides of the aisle that have worked very hard to bring this legislation in this form with the cooperation of the members of both sides of the committee, the majority and the minority. I begin by thanking Mr. Lloyd Horwich, who is working for Mr. KILDEE; Stephanie Milburn, with Mr. MCKEON; Sarah Rittling, working with Mr. CASTLE; and Molly Carter and Ruth Friedman of the majority staff. This staff knows this program backwards and forwards. They have worked long and hard with the Head Start community, with the States, with Governors, with local communities, to make sure that, in fact, we have a program that we can be proud of, that we can continue to place our faith in, and does what we want, which is to give children from impoverished families and communities the opportunity to have a head start and to come to kindergarten school ready, if you will, with the skills necessary to take advantage of the opportunity that will be presented to them when they start school.

Head Start has been the premiere early education program in this country for more than 40 years. It has served more than 20 million children and families in that time. It is a highly successful research-based, comprehensive childhood development and early education program for low-income children from birth to 5 and for their families.

Both Head Start and Early Head Start help our country's most disadvantaged children become better prepared to succeed in school and in life by addressing the needs of the whole child and providing services such as

health and nutrition in addition to the educational curriculum. Its design has always been based in science, and the bill before us builds on the strong foundation again by turning to the best science to renew and improve the Head Start program.

Head Start remains a cornerstone of this country's effort to close the achievement gap, to combat poverty, and to provide all its citizens with the opportunity to thrive.

Today more than 12 million children in America live in poverty, 20 percent of them under the age of 6. Children who grow up in poverty are more likely to struggle in school, face physical and mental health problems, and see fewer economic opportunities throughout their life.

The bill before us is central to achieving the goals of No Child Left behind because the achievement gap that appears later on in elementary school begins before these children reach kindergarten. Head Start is one of the most evaluated Federal programs, and research concludes that Head Start works. Recent findings from the congressionally-mandated Impact Study found that after less than one school year, Head Start narrowed the achievement gap by 45 percent in prereading and 28 percent in prewriting. The study also found that Head Start helped to improve some of the important parenting practices, including helping to increase the frequency with which parents read to and with their children.

Another large-scale study on Head Start found that children made significant gains during the Head Start year, and made even greater gains over the kindergarten year.

□ 1445

By the end of kindergarten, Head Start graduates were essentially in the national norms in early reading and writing, narrowed by the achievement gap in vocabulary and general knowledge and early math.

I am encouraged that the research concludes that Head Start is doing what we expect and demand that it should do to help prepare children to succeed in school. However, this research shows that there are many new ways to improve Head Start, and I believe we accomplish that in the bill before us. The bill before us will help more children arrive at kindergarten ready to succeed by improving the program quality and expanding access to more children.

This bill includes many improvements to build on the latest research in brain and child development. The bill also recognizes that key to the first-class Head Start programs is teachers. This is absolutely imperative, and this bill works hard to make sure that we continue to provide for improvement and professional development of the teachers in the Head Start program.

We increase the teacher qualifications by directing the majority of new funds for program improvement activities, including significant new funds to increase teacher salaries; requiring that all programs use research-based practices to support children's preliteracy and vocabulary skills; requiring a full time staff to develop career ladders and professional development plans; directing the Health and Human Services agency to implement an observational assessment tool that will evaluate classroom quality and provide immediate feedback for programs on their strengths and weaknesses; improving the professional development and training and technical assistance systems so that they are better grounded in science and more responsive to local training needs; and requiring the Secretary to reevaluate and update current early learning standards and assessments using the best science available.

The point is this: This is a major revamping of the Head Start program, with an emphasis on quality, with an emphasis on outcomes, with an emphasis on the assessments and how these programs are doing so that we can provide the continuous improvement of these programs, and we can provide continuous high-quality programs to the children who are in need of these programs. It's only then that we can be assured that Head Start will continue to earn its reputation as the premier early childhood education and development program in this Nation. It is only then that we can say to the taxpayers that this continues to be a very wise investment of the dollars in the children of this Nation in providing them access to the kinds of programs that are necessary if they are going to be able to take advantage of the educational opportunities in K–12, if they are going to be able to close the gap between themselves and middle-income kids, if they are going to be able to go to school with those skills.

I believe that this legislation does that. This legislation builds on what was tried and worked on in the last session of Congress under the leadership of Mr. CASTLE, Mr. MCKEON, Mr. BOEHNER, myself and Mr. KILDEE. This is a continuation of that process, and that's why it received the overwhelming bipartisan support when it was reported from the committee. I hope that my colleagues will lend it the same kind of support at the end of this debate and the amendment process.

With that, Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, let me start by commending my friends, Chairman MILLER, Chairman KILDEE and Mr. CASTLE, for their hard work on this good bill, which I am so pleased we were able to pass with an overwhelming bipartisan majority in committee 2 months ago.

While the resources to fund Head Start are significant, more work is needed to achieve the ultimate program goal on closing the readiness gap between Head Start children and their more advantaged peers as they enter kindergarten.

Some studies indicate that children enrolled in Head Start do make some progress, but at the same time we need to understand that we still have some work ahead of us in closing the readiness gap. With this in mind, the bill before us today will strengthen Head Start's academic standards by emphasizing cognitive development and the results of scientifically based research in topics critical to children's school readiness.

The measure also aims to improve teacher quality by ensuring a greater number of Head Start teachers have degrees and are adequately trained in early childhood development, particularly in teaching the fundamentals. That's great news for those children who will be participating in the Head Start program years down the road.

I have also been disappointed that in recent years we have heard many stories that have marred Head Start's good name. In various communities we found that financial abuse within Head Start centers is far too commonplace. In fact, a March 2005 report from the Government Accountability Office warned that the financial control system in the Head Start program is flawed in failing to prevent multi-million-dollar financial abuses that cheat poor children, taxpayers and law-abiding Head Start operators.

In the 109th Congress, Republicans led the House in passing a Head Start reauthorization bill that addressed these weaknesses in the Head Start financial control system. I believe the bill before us moves in that direction as well. It will require Head Start operators to meet a range of financial disclosure requirements as a condition of receiving and keeping their Federal Head Start grants. Furthermore, under this bill, grantees would have to be overseen by a local governance board that provides direction and actively oversees program activities. These are positive steps to ensure abuses are minimized, and that taxpayers' funds and the children those funds are meant to serve are protected.

Mr. Chairman, while this bill does represent overall progress for Head Start, I would be remiss if I did not note that there are some significant flaws in it, flaws that I hope we can correct before this measure is sent to the President. For example, under this measure the majority has decided to expand Head Start eligibility to those who the program was not designed to serve. Ultimately I believe this policy change may have the impact of leaving many children who live in poverty underserved by Head Start programs. This runs contrary to what we all believe to be the mission of this program and will do nothing to strengthen Head Start services; if anything, it will weaken them.

I am also disappointed that the House will not have an opportunity

today to vote on an amendment offered yesterday at the Rules Committee by Mr. FORTUÑO, to protect the civil liberties of faith-based providers by clarifying that these institutions are not required to relinquish their Civil Rights Act hiring protections when they participate in the Federal Head Start program. These protections are already the law of the land with regard to various Federal programs, including those impacting welfare reform and Community Service Block Grants. In fact, President Clinton himself signed such language into the law.

The Fortuño amendment also would have ensured religious organizations would not be forced to remove art, icons, Scripture or other symbols in order to receive Federal Head Start grants. Barring these providers from fully participating in Head Start is not only a disservice to the faith-based providers, but also to the children who depend on the Head Start program and the taxpayers who should know that Federal dollars are granted to the best available service providers, faith-based or otherwise. Instead, the majority thrust upon us an amendment that praises the work of faith-based organizations, but does not protect their civil rights. It's literally all talk and no action. Indeed, the only people protected by this amendment are certain members of the majority party seeking political cover. Faith-based providers are left to fend for themselves.

Mr. Chairman, in spite of these flaws, which I hope we can correct in time, the Improving Head Start Act remains a solid reauthorization measure. Head Start is a good program that is capable of achieving even greater results, and the bill before us will help us get there.

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

Mr. GEORGE MILLER of California. I yield 4 minutes now to the gentleman from Michigan (Mr. KILDEE), subcommittee chair and responsible for bringing this bill to the floor.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, in March, the Education and Labor Committee overwhelming passed by a vote of 42–1 H.R. 1429, which was my privilege to introduce with both Democrats and Republicans as cosponsors. I hope at the close of today's debate the full House will do similarly.

Head Start has served our most vulnerable children and families well for 42 years; and more recently, early Head Start has done the same for infants and toddlers.

Head Start works, and this bill will make it work even better. This bill increases Head Start's authorization by $461 million to benefit as many as 10,000 more children, and increases funding for Indian and migrant and seasonal Head Start programs. It sets aside 60 percent of new funds for activities such as teacher salaries, professional development and extended program hours. It suspends the flawed national reporting system. It improves teacher qualifications. It increases access to Early Head Start. It improves training and technical assistance to help programs identify their strengths and weaknesses. And it strengthens the quality of Head Start boards and maintains strong parental involvement through shared governance of Head Start programs.

I would note that we are expecting a motion to recommit that would allow faith-based programs to discriminate in hiring based on religion using Federal funds. Before supporting this bill by 42–1, the committee considered and rejected such a policy. Faith-based programs can and do participate in Head Start and have done so for many years, and I support that strongly. However, this motion is wrong, and I encourage my colleagues to oppose it.

In closing, I want to thank Chairman MILLER for his outstanding work through the years on this program and for his specific work this year. This is a very good bill. I want to thank Ranking Members MCKEON and CASTLE, it was really a pleasure to work with them, and all the members of the committee for their hard work on this bill.

I would like to thank the staff, especially Ruth Friedman, Chairman MILLER's senior policy adviser; Susan Ross and James Bergeron with Ranking Member MCKEON; and Jessica Gross with Ranking Member CASTLE; and Lloyd Horwich of my staff.

Mr. Chairman, I look forward to passage of this bill today and to working through the conference committee to see that this bill becomes law.

Mr. MCKEON. Mr. Chairman, I yield 5 minutes at this time to the senior Republican on the subcommittee. I am proud of all the work that he has done to bring this bill to the floor last Congress and this Congress, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the distinguished ranking member of the subcommittee for his kind words and for yielding. I also obviously thank Mr. MILLER and Mr. KILDEE for their work on this, and Ms. WOOLSEY, who has worked on it before with me. And I am pleased to be able to be here.

I support the legislation before us today which will reauthorize the Head Start program. And like almost every other Member of this body, I believe strongly in the benefits of this program. I trust that H.R. 1429, the Improving Head Start Act, will improve Head Start by emphasizing that every child, regardless of their economic status, should have the best chance possible to succeed.

In 1965, Head Start was created to give economically disadvantaged children access to the same educational, health, nutritional, social and other services that were enjoyed by their more affluent peers. The goal of the program was, as it remains today, to provide children a solid foundation that will prepare them for success in school and later in life.

As the centerpiece of the Federal Government's efforts to support quality early childhood education for our Nation's most disadvantaged youth, Head Start has served nearly 20 million low-income children and their families. Currently Head Start serves over 900,000 children every day and has over 1,600 grantees across the United States. In my home State of Delaware, Head Start programs serve over 2,000 children, with over 800 additional 3- and 4-year-olds receiving assistance through State government funding.

We all can agree on the need for Head Start and its successes. We must also recognize that Head Start can produce even greater results for children. Students who attend Head Start programs do start school more prepared than those with similar backgrounds who do not attend Head Start. However, Head Start students continue to enter kindergarten well below national norms of school readiness. By moving to close the school readiness gap, this bill will improve results for almost a million Head Start students across the Nation.

Toward the goal of closing the readiness gap, the Improving Head Start Act strengthens Head Start's academic focus while maintaining its comprehensive nature that is imperative to its success. The bill improves the academic focus of the program by establishing new quality standards that ensure enrolled children develop and demonstrate language skills; prereading knowledge, including an interest in and appreciation of books, reading and writing; premathematics knowledge, such as recognition of numbers and counting; cognitive abilities related to academic achievement; and social development important for environments constructive for child development, early learning and school success.

Research consistently demonstrates a link between the learning potential of children and the level of education and training of classroom teachers. For that reason, we improve the quality of teachers in Head Start classrooms by requiring that in time 50 percent of all Head Start teachers nationwide must have a baccalaureate degree.

□ 1500

As I am sure some of my colleagues know, this bill does not include a proposed State demonstration project, which was incorporated into the legislation the House passed in 2003. I believe strongly, however, in the policy goals of increased coordination and integration that were and continue to be at the heart of efforts to remove barriers and prevent collaboration between Head Start and successful State and local early childhood initiatives. I believe the proposal to be offered by TOM PRICE of Georgia would foster integration among quality early childhood programs, and plan on supporting Mr. PRICE's amendment.

About 40 States, including Delaware, have established some form of early

childhood education, because States recognize that these services can make a real difference in preparing children for a successful future. Various local initiatives have also been launched, and today, disadvantaged children and families have access to programs and services from a wide range of sources.

Some of these programs rival or exceed the quality of Head Start, while others fall short. Head Start is no longer the only option for early childhood education, and we must ensure that all children are receiving the same quality education. In this new era, Head Start should be working toward integrating service with other school readiness programs not competing against them. Where we previously would have allowed no more than eight States to improve Head Start coordination with State and local efforts, this bill will ensure programs in all 50 States are able to increase collaboration.

We are encouraging Head Start grantees to align their academics with State-developed K–12 academic content standards, as well as to have a more active partnership with local school districts that serve the same communities. This will help to facilitate a smooth transition to kindergarten for their students.

Finally, we are asking early childhood providers in the State, including Head Start, preschool and child care, to come together to identify ways to integrate school readiness initiatives across the State.

As I have said, I believe strongly in the Head Start program, particularly because of how the program helps children later in their lives. Despite these stories, we have also heard many stories of programs in which funds were being diverted away from this purpose.

In 2005, the GAO released a report that warned the financial control system in the Federal Head Start early childhood program is flawed and failing to prevent multimillion-dollar financial abuses that cheat poor children, taxpayers and law-abiding Head Start operators. The GAO made some helpful recommendations on how we can strengthen the oversight structure to prevent abuses and protect good grantees. They recommended that increased competition in the program could help weed out poorly performing grantees and ensure high-quality services are available to children and families.

In response to the GAO's recommendations of how to eliminate financial mismanagement, we are increasing the competitive nature of the current program. The competition requirements in the Improving Head Start Act will help to alleviate these problems, but, more importantly, will drive program improvement across the board. Program improvements will ultimately help thousands of children nationwide, which should always be our goal.

As I said at the outset, Head Start is an important and very popular program. The importance of early childhood education services cannot be overstated. I believe strongly that the reforms sought in H.R. 1429 will go a long way to institute needed reforms in an already successful program.

I urge my colleagues to support the legislation, and I thank all those who worked on this, including the staff, and I look forward to the passage of the legislation today.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

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

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today to express my support for the Head Start Reauthorization Bill that was sent to this Chamber.

Head Start is one of the best programs we offer our youngest students.

Since its creation in 1965, it has proven to be our most valuable school readiness program in the history of this country.

Especially, now that we know more about the importance of early-childhood education.

Time after time, we have seen reports that prove students who attend Head Start perform better than those who don't.

It has also proven to help close the achievement gap between students of differing socioeconomic status.

The Republican amendment to this bill would repeal existing civil rights protections that ensure programs cannot use federal funds to discriminate in their hiring practices.

Head Start teachers should be chosen because they are qualified and effective teachers who will help children succeed and thrive.

Discrimination should not be supported with public funds.

National religious organizations, civil rights groups, national labor organizations, and the education groups all oppose any roll back of civil rights protections.

This is such a critical program, and it's important that this body reauthorize this program in a manner that shows bipartisan support for educating our children.

I urge my colleagues to support this bill.

Thousands of children in my district benefit from Head Start and it's essential that we reauthorize this program with a bipartisan plan that will help this program serve more children effectively.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to begin by thanking Chairman MILLER, Ranking Member MCKEON, Chairman KILDEE and Ranking Member CASTLE, as well as both the majority and minority staff for their hard work and for including so many issues near and dear to my heart in this bill. Some of those are recruiting minority male teachers; emphasizing children's social, emotional well-being; recognizing the expanding role of grandparents and kinship caregivers in children's lives; keep parent councils as equals to the governing boards; incorporating the best practices from the field of home visitation into the Early Head Start programs; and encouraging the development of on-line graduate training. All of these are key issues to me and to the people of Chicago. I know that you have toiled long and hard to integrate Member concerns, and you have my appreciation.

In addition, I am very pleased that this bipartisan bill preserves the anti-discrimination history of Head Start advocated so ardently by the Head Start and religious communities. Federal funds are not meant to support discrimination of any type, and I applaud the Members of both sides for maintaining this fundamental commitment to justice and fairness in this bill.

Finally, I must mention a concern from Chicago Head Start programs. I know that the Chairs and ranking members have worked hard to address the problems surrounding low-income families in high cost of living areas such as Chicago from losing access to this critical child development program. I ask that the issue of income eligibility continue to be discussed so that the children of working poor families can be included.

Mr. CASTLE. Mr. Chairman, I yield such time as he may consume to the wonderful Representative from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to briefly address a topic which I have not heard discussed here, although I have heard it discussed numerous times within the committee itself. I am very unhappy with the resulting bill that came out this year. The issue I wish to discuss is Head Start programs operated by faith-based institutions.

What has happened in this bill is that we basically have reversed the Civil Rights Act, which provides that faith-based institutions may discriminate in hiring by hiring people of the same faith as the institution. If it is a church, for example, they can hire people who are members of their church or denominationm without violating civil rights laws. That is specifically legal under the Civil Rights Act. This bill prevents an institution from doing that; if they wish to operate a Head Start program, then they are not allowed to hire on that basis. So this bill is actually a reversal of the Civil Rights Act.

Now, why is this important? Why do churches need to do that? A perfect example was given last year during the debate on this bill in committee, when Representative Tom Osborne, better known as Coach Osborne, related an example in his district where a small church which had a small staff decided to operate a program similar to the Head Start program. They wanted to hire someone who could serve on their staff half-time and also operate the

educational program during the other half of their time. But they needed someone of their faith to do the church work. But this bill would prohibit that person to also teach in the school, but they were hired on a religious basis.

There is so much misunderstanding on this issue, and it really puzzles me, because I have very good friends over on the other side of the aisle whom I know have a deep religious faith. But why they are so anti-religious on this subject, I do not understand. They seem to believe that they have to prevent anyone with a religious belief from operating within a program of this sort.

I have to keep reminding everyone, this is not a case of churches trying to proselytize by having someone of their own faith running the program and teaching the kids that faith. That is not it.

The point is simply that faith-based institutions, by virtue of their faith, are determined to help people in the community who need help. It doesn't matter whether it is a Head Start program, whether it is a food program, as we operate in my church back home, or many other programs. They are doing it as an expression of their faith.

Now, is this wrong? Do we have to say, I am sorry, you can't run this program because you are a member of this church and you might express your faith? That is not what they are trying to do. So why do we have to go to great lengths in this particular bill to stop people from doing that, to prevent churches and other faith-based institutions from operating a Head Start program, unless they hire people from outside their church? That, to me, is grossly unfair. Frankly, I think it violates the Constitution, and I am strongly opposed to that practice.

Other than that, I think it is a wonderful bill and I would like to support this bill, but I am terribly disturbed by this anti-religious altitude that I have seen manifested here. I hope we can change this in this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. I thank Chairman MILLER for extending time to me.

Mr. Chairman, I rise in strong support of H.R. 1429, the Improving Head Start Act. This legislation is long overdue. I would like to commend Chairman MILLER and Ranking Member MCKEON and Subcommittee Chairman KILDEE and Ranking Member CASTLE for working together to craft bipartisan legislation that will significantly improve the Head Start Program, especially for Hispanic and migrant farm worker families.

It is my hope that this spirit of bipartisanship will carry the legislation all the way to the President's desk for his signature. I strongly urge a ''yes'' vote on H.R. 1429.

Mr. Chairman, I rise in strong support of H.R. 1429, the Improving Head Start Act.

This legislation is long overdue. I would like to commend Chairman MILLER and Ranking Member MCKEON and Subcommittee Chairman KILDEE and Ranking Member CASTLE for working together to craft bipartisan legislation that will significantly improve the Head Start program—especially for Hispanic and migrant farm worker families.

It is my hope that this spirit of bipartisanship will carry the legislation all the way to the President's desk for his signature.

It is also my hope that this body will reject any attempts to allow discrimination to infect the Heat Start program—whether the discrimination is based on religion or on the language that is spoken at home.

The bill before us today strengthens "Head Start" for Hispanics and families whose primary language is not English.

Here are just a few of the highlights: The bill increases the base funding for Migrant and Seasonal Head Start to a minimum of 5 percent of the overall Head Start funding, which means that more farm worker children will be in preschool instead of in the fields; the bill sets standards for communications with limited English proficient (LEP) parents so that language is not a barrier to Head Start access.

It instructs the Secretary of Health and Human Services to conduct a study of how Head Start programs serve LEP populations. It enhances Head Start transitions for LEP children to kindergarten.

It provides technical assistance resources for improving the quality of Head Start services for LEP populations, particularly in communities that have experienced a rapid and large increase in Head Start eligible LEP children.

It improves ensures that LEP children have access to linguistically and culturally appropriate instructional services that support proficiency in the English language and gains in other domains important for school readiness, including pre-literacy and numeracy skills.

It addresses the shortage of qualified teachers with expertise in serving LEP children by establishing a teacher career ladder demonstration program at Hispanic-serving Institutions and tribally-controlled Colleges and Universitites.

Tehese are significant improvements to the Head Start Program. Again, I would like to thank the chair and ranking member for working with us to include them in the bill before us today.

I strongly urge a "yes" vote on H.R. 1429.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Chairman, we must ensure that no matter where a child comes from or what his or her background is, that child has an equal opportunity to succeed in school and in life. That begins with quality early childhood education, and that is why we need to and must reauthorize Head Start.

This bill will allow 10,000 more children to benefit from the Head Start program. But many, many more children are eligible for Head Start, and those children will continue to be left behind. A real investment in our children would ensure that every single child who is eligible has access to this very successful program. Without full funding, some children continue to start elementary school far behind their peers.

Some Members, as my friend on the other side of the aisle talked about, would like to allow Head Start programs to discriminate by using taxpayer dollars to hire staff based upon their religion, which is against everything I believe that the Head Start program stands for. When we already have a shortage of qualified Head Start teachers, we must not allow qualified teachers to be turned away simply because of their religion.

Mr. Chairman, children are 25 percent of our population. They are 100 percent of our future. We must support and expand Head Start for the best possible beginning of their lives.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 1429, the Improving Head Start Act. As a member of the Education and Labor Committee, I had the privilege of working on this bipartisan bill, which I believe will help more children arrive at kindergarten ready to succeed. Not only does this bill improve teacher quality, expand access and strengthen school readiness, it also addresses the unique challenges faced by rural Head Start programs.

Much of my district is rural. Therefore, I worked with several of my colleagues to ensure Head Start providers receive the support and flexibility required to serve America's rural communities. Specifically, we provided the assistance needed to improve transportation services in rural areas, the recruitment and retention of qualified instructors for rural programs and outreach to rural families. Later today, I will offer an amendment with my colleagues, Congressmen SPACE, WELCH and ALTMIRE that will further expand this assistance to rural Head Start.

Head Start is the country's premier early education childhood development and education program, serving more than 900,000 of our Nation's most needy families annually. Children who attend Head Start make gains in vocabulary, early writing and social behavior and enter school better prepared than lower income children who do not attend Head Start.

It is critical that all eligible families know about Head Start and that Congress allocates the necessary resources Head Start providers need in order to continue and expand these successful programs.

I urge all my colleagues to stand up for rural and low income children by voting ''yes'' on H.R. 1429.

□ 1515

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I thank the gentleman from Delaware for giving me this opportunity to discuss the concept of Head Start, which is a significant program that does a great deal of good for kids who are in dire need of this kind of service.

If indeed the decisions that we made in life were always of a vast contrast, differences were black versus white, night versus day, even the simple ones of right versus wrong, our life would be easy and our choices would be easy.

But, unfortunately, life is not like that. The decisions and choices we get to make are always going to be a shade of gray. We are given oftentimes two goods, and we have to decide which is the better choice. How we make those decisions identifies us as individuals; but it also defines what we are as a society.

This particular debate today is dealing with one of those basic choices between two goods. We have one of the big differences with this particular reauthorization of Head Start versus the reauthorization of Head Start that we passed last year, both of them good bills, is the concept of faith-based institutions within these two bodies.

One of the things that bothered me also as a speech teacher is as we are talking about this issue, sometimes we are talking different angles, kind of like ships passing in the night, without discussing the same definition of terms.

One side will say that faith-based institutions should not be used because of the hiring practices. If this institution decides to hire within their own religious group, a program that is legal both legislatively as well as judicially, then they should not be used in the concept of Head Start, or used as a program for Head Start. It has nothing to do with proselytizing, it has to do with whether they should be used at all. The other side simply says value is what is best for kids. Those are two goods. Neither one is necessarily bad. The issue is: Which is more important to us?

I am going to make the argument to you that if we really want to define our society, what we have to do is to say our highest value for this education program is what is best for kids. If, indeed, a faith-based institution is the best program to help kids break the cycle of poverty, understand the importance of education to try to lead a better life and improve their lives and their family's at the same time, then that has to be our highest value. That must be our highest value.

What we have to do is avoid the biases that we have on any other issue. The question is what best helps kids. Once again, if a faith-based institution is the best way of helping a kid, do it. For heaven's sake, do it. Do not hold kids hostage to our own social dogma. It may not be a bad social dogma, but the question is, where is our priority? What are our values?

With these kids who desperately need this help, this assistance, the most important thing is to give them that help so they can move forward and they can break the poverty cycle, and they can move on with their lives and help themselves and their families at the same time.

If that is not our goal, if that is not our purpose, if we are really not talking about how to help kids best, then we are fooling ourselves and making poor choices and kind of demeaning the entire debate and discussion of what the Federal Government will do in the area of education.

Once again, Mr. Chairman, we will have a chance to discuss these issues again in some other format, but I would urge my colleagues to remember we have to make a choice somehow, and our choice should be in the best interest of kids, and everything else, everything else, has to be secondary to that goal.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, we have just heard the suggestion that some programs might be better if only the program sponsors could discriminate in employment. We hadn't heard those arguments for over 40 years before this administration came in.

Let's talk about when you say ''protect civil liberties,'' what liberties you are protecting? If you are protecting somebody's right to tell somebody they can't get a job because of their religion, if you can discriminate against someone because of their religion, racial discrimination laws essentially cannot be enforced. So who are you protecting? You are protecting the one trying to discriminate; the victim of discrimination loses all protection.

The children of families of unpopular religions will ask their parents why they couldn't get a job in the Head Start program, and they will have to be told they are not hiring people of our religion. Just what kind of Head Start is that?

Proponents are saying we lose opportunities. We have plenty of opportunities in Head Start. All we have to do is fund it more, and there will be plenty of opportunities for Head Start programs.

There has also been a suggestion you may have to take icons off the wall. If icons have to be taken down, it is because of a violation of the establishment clause of the Constitution. Let me tell you, passing a motion to recommit will not solve a violation of the establishment clause.

Forty years ago race and religious discrimination was found to be so reprehensible that we made it illegal even with your private funds. Now we have a plea to protect the people trying to discriminate and not the victims of discrimination. We need to leave the law the way it has been for the last 40 years. We can keep the antidiscrimination laws and those programs. Any program that can get funded with this faith-based initiative amendment could be funded anyway if you just comply with the antidiscrimination laws that have been in effect for the last 40 years.

We ought not to have to tell our children why certain parents can't get a job in a program because we are failing to protect the civil rights of the victim of discrimination because all of a sudden we are interested in the civil rights of the person trying to discriminate.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Chairman, as we pass the reins of our Nation to future generations, we must acknowledge that America's continued prosperity in the global economy will not be ensured unless we equip our children, the leaders of tomorrow, with the tools they need to succeed down the road.

To achieve this, we must cultivate not just the most privileged students, not only our brightest students, but also the students who grew up with disadvantages. Indeed, we must nurture the potential of all our children because it is in the best interest of our country to maximize the contributions and success of every American.

I recently visited a Head Start program at Indian Trail Elementary in my district in Louisville. The veritable beehive of activity there spoke louder than 40 years of studies on Head Start progress, but they said the same thing: The thoroughly engaged children were actively building a solid foundation for their futures, and they were loving the pursuit.

Like their predecessors, the 1,800 Head Start students in Louisville and the 1 million nationwide are making tremendous gains in family literacy, vocabulary, early writing, letter recognition, and social behavior, skills that will pay huge dividends in their future pursuits.

We have an opportunity today to extend and improve this program which is so vital to the preparation of today's youth, who in turn are critical to America's future. It is our moral responsibility and I believe our honor and privilege to reauthorize Head Start, and I urge my colleagues to join me in doing so.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

We are told over and over again in committee hearings from experts and scholars of all natures that we could close 50 percent of the achievement gap

that we see in our country if we have effective preschool, prekindergarten programs. Head Start is just that kind of a program.

We see over and over again the evidence showing us it has a positive economic and social impact across this Nation, particularly in its comprehensive nature, the fact that it deals with education, deals with health issues and social implications.

The Commonwealth of Massachusetts, my State, 80 percent of 3-year-olds are still not enrolled in prekindergarten or Head Start programs. We need to be expanding this program for all of the good things it does because we need to take advantage of that opportunity to close that gap.

One of the ways that we are going to do that is to attract quality teachers. I am glad to see in this bill that Mr. SESTAK has filed an amendment to provide up to $10,000 in loan forgiveness for college graduates who commit to teach in the Head Start field. We have raised the standard of the teachers that we want, requiring them to meet a certain grade. That means we are going to have to pay people in order to go into this profession because it is still going to cost them considerably to get that degree. If we are going to do that, we have to step forward. I think Mr. SESTAK's idea, which we have been talking about in the higher education reauthorization bill for some time, is one way of doing that. Loan forgiveness for early education teachers over a period of years will allow us to have that program meet the pinnacle that we need it to reach.

For this and many other reasons, I think this bill is a good bill and deserves our attention and our support. I ask my colleagues to join me in voting for it.

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from Delaware for allowing me to come and chat on a little different topic, a topic that we tried to bring to the floor today on this bill, and a topic that I think would truly expand and protect children in the Head Start program, but a topic that wasn't allowed to be brought to the floor because an amendment wasn't allowed. I think this issue truly demonstrates where the priorities of the majority party are.

This issue that I attempted to bring to the floor would have resulted in significantly greater safety for the children who are transported in Head Start programs.

In 1992, Mr. Chairman, Congress required the issuance of regulations that related to rear-door emergency exits and safety restraints on Head Start transportation. That was in 1992. Since the final rule for these new regulations was published, the effective date has been delayed three times.

Last week, buried deep in H.R. 1591, the emergency supplemental for Iraq, was language that delays these transportation safety requirements for Head Start programs once again. The fine print reveals that the rear emergency exit requirements are delayed for another year, and a seat belt safety requirement is delayed until another study is done.

Well, Congress required these regulations to ensure the safe operation of vehicles by Head Start agencies; and currently, the leading cause of death for children ages 3 to 7 is motor vehicle, traffic crashes. The reason why these transportation requirements were put forth is that the National Highway Traffic Safety Administration does not approve of the use of vans or cars or vehicles of other types for the purpose of providing planned transportation services. School buses are the safest form of transportation because they include many special features. Further delaying these requirements means authorizing that Head Start grantees can transport children using vehicles that are not designed specifically for the purpose of the safe transportation of children.

My amendment, which wasn't allowed, would have ended this delay and make the regulations for emergency rear-door exits and seat belts on vehicles used to transport children effective immediately.

Mr. Chairman, as you know, on the first day of this Congress, children were paraded in front of the American people, and the new majority claimed that the House would come to order for the children. Well, today, if it is truly about the children, then the majority would have allowed this amendment to be entertained. Any further delays endangers lives of children.

So I suggest, Mr. Chairman, that the hypocrisy of this process is telling, and that if we truly are interested in making certain that our greatest resource, our children, the future of our Nation, are protected, then we would have allowed this amendment, and I am distressed it wasn't allowed. I encourage through the process the majority party make certain that we address this as this bill moves forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I thank the chairman for yielding me this time.

I rise today in strong support of H.R. 1429, the Improving Head Start Act. I represent the majority of Suffolk County where 20 Head Start and three Early Head Start centers have been serving the community since 1966. In fact, my wife's first job out of college was as a Head Start teacher in one of those centers.

Parents, teachers and many of our colleagues can all agree that Head Start is one of our Nation's most prominent and successful early education programs. This bill continues to build on Head Start's successes by ensuring that kids are prepared for school, by improving teacher and classroom quality, strengthening the focus on school readiness, increasing accountability and boosting coordination.

Research finds that children who attend Head Start enter school better prepared than low-income children who do not attend the program, and that children who attend Head Start make significant gains.

If we are serious about achieving the goals set forth by No Child Left Behind, then passing Head Start reauthorization is a down payment on achieving those goals.

□ 1530

During the markup of this bill, I was proud to offer an amendment that would allow Head Start programs to use up to 10 percent of their quality improvement funds for transportation costs. This amendment was in response to concerns brought to me by my constituents that many have thought programs were being forced to choose between providing transportation to children or sacrificing the quality of their program.

With my amendment and so many other worthwhile improvements to Head Start, I strongly encourage my colleagues to support this balanced reauthorization for the benefit of our children and future generations of America.

Mr. MCKEON. Mr. Chairman, we have no further speakers, and we reserve the balance of our time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman of the full committee for his leadership and all the members of the committee and Mr. KILDEE for his leadership as well on some of these very important issues. We have worked together. I thank the ranking member for their long-standing understanding that we must collaborate when it comes to teaching our children.

I rise to support H.R. 1429 and had the pleasure of visiting a Head Start facility in my community. What was the greatest joy was to be able to see the parents and children working together on this very special day, and I want to thank the committee for persevering against all odds, particularly the opposition of those who would say it is time to change drastically, to do a surgical reform on Head Start.

It has worked for some 30-plus years, and what has been done in this legislation is the right direction: enhanced professional development, providing more degreed teachers teaching, providing opportunity for the associate degrees, working with caretakers or assistants in the classroom, and really

teaching our children the ''yes, I can'' method.

I rise also to support the amendment of Congresswoman EDDIE BERNICE JOHNSON that will be offered that provides the opportunity for collaboration with historically black colleges.

What we need to be doing is investing more in Head Start by proving that it has been a success, improving classroom and teacher quality, raising the quality of teachers, and increasing funding for teacher and staff salaries.

But most importantly, anyone who has taken the opportunity to see the youngsters, the babies that are in this program, see their eyes open wide, see them understand the world and the colors and what is real and that they can be the greatness that they are, we know that H.R. 1429 is on the right path, and I encourage my colleagues to enthusiastically support the Improving Head Start Act of 2007. These are the babies not of yesterday, but today.

Mr. Chairman, I rise in strong support of H.R. 1429, the Improving the Head Start Act of 2007. This bipartisan legislation would allow up to 10,000 more children from low-income families to have access to the world of opportunities offered by early developmental education. It also appropriates the funding required for a range of necessary improvements, ensuring we are offering our children comprehensive and regulated programs. I urge my colleagues to join me in expressing that a child's educational and developmental opportunities should not be limited by his or her family's income.

Head Start creates opportunities for children who are born without any. This program provides comprehensive early education programs and support services for well over a million children across our Nation; children whose families would otherwise be unable to offer them these opportunities. The program's holistic approach to education provides a wide range of services in addition to basic education, including medical and dental screenings, nutritional services, parental involvement activities, and mental health services. Poverty has proven devastating to child development and success, but Head Start has proven capable of providing the broad range of support that all children need to succeed in school, and indeed in life.

This program is particularly crucial to minority communities. Of the over 1 million children enrolled in Head Start programs, 65 percent belong to minority groups. In a world and a country where minority children may continue to face discrimination and limited opportunities, Head Start ensures that they are prepared to begin school when they reach the proper age. This program has proven successful in minimizing the ''readiness gap'' between program participants and their more affluent peers.

In Harris County, TX, where my district is located, Head Start has been active since 1999. In this county alone, the program currently operates in 17 locations, and has served over 5,000 children since its inception. There are, at present, over 1,170 children enrolled in its wide array of programs. In Harris County, and across our Nation, Head Start programs help children grow mentally, socially, emotionally, and physically.

This bill contains many vital provisions. It authorizes an additional $450 million dollars for 2008, funds that would allow up to 10,000 more children access to Head Start programs. It increases funding for teacher and staff salaries, ensuring a quality workforce and providing for the hiring of additional qualified staff. H.R. 1429 re-evaluates and updates the current standards and assessments, suspending the badly flawed National Reporting System. The bill also boosts cooperation between Head Start and state and local child care programs, as well as improving coordination with state health, mental health, and family services.

This bill also contains important provisions to improve accountability for these government-funded programs. It includes a new system of application review that assesses program quality, allowing the Secretary of Health and Human Services to more quickly strip funding from low-quality programs. These review systems ensure both that our Nation's children are receiving the best services we can offer them, and that taxpayer dollars are spent to maximum effect.

Mr. Chairman, as Chair of the Congressional Children's Caucus, I am dedicated to providing the best possible opportunities and support to our Nation's children. Head Start is an important aspect of ensuring our children's future. I strongly support H.R. 1429, and I encourage my colleagues to do the same.

Mr. MCKEON. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, just very briefly, we are about to pursue I think a dozen amendments here. All of us had a chance to work on this, had a chance to look at it. I think some of them are very good amendments. I think some are relatively neutral. I think some are maybe a little detrimental to the bill.

I just hope that everybody will listen carefully to the amendments and will not end up being a party vote necessarily and we do what is in the best interests of these children that we have talked about so frequently in the last hour or so.

There is real significance to some of these amendments. I think it is very, very important that we understand the context of them.

I would just like to also finally say at the end that, in my judgment, if you look at any aspect of Head Start that this underlying legislation basically improves the opportunity for young children who are within the parameters of the Head Start program, and I hope that all of us will be supportive of that.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, as we discuss this faith-based amendment, I think we need to seriously consider the long-term societal implications of that amendment, allowing discrimination in the Head Start program.

Our Nation just went through quite a conversation when Don Imus made his remarks, and I would hope that that was just talking. We are actually going to do something in considering whether or not a program can deny an employment opportunity solely because of religion, and if you happen to go to an all-black or all-white church, the decision made on religion will deny you based on race as well.

We should have this conversation here on the floor, considering what we are doing long-term, similar to the conversation we had when Don Imus embarrassed himself. We should not embarrass ourselves here on the floor of the House of Representatives. We need to maintain the civil rights protections for prospective employees that we have had for the last 40 years.

Mr. MCKEON. Mr. Chairman, I thank my colleagues for a productive debate on the Improving Head Start Act. As many of us have noted throughout the day, Head Start is a good program that can be made even better, and that is why we are here. I hope everybody listened carefully to Mr. CASTLE as he talked about the importance of the upcoming amendments we are going to discuss because they can make the bill better.

This program serves nearly 1 million underprivileged children and eases the divide between the haves and the have-nots when it comes to preparing them for kindergarten, which will give them a good start for their life. The bipartisan support we have seen for the bill today should lend all of us confidence that the program will remain on a solid foundation for generations to come.

By reauthorizing Head Start, we are voting to build upon improvements that were made by the House Republicans in past Congresses by strengthening academic standards by emphasizing cognitive development using scientifically-based research; improving teacher quality by ensuring more Head Start teachers have bachelor degrees and are adequately trained in early childhood development; increasing financial disclosure requirements by Head Start operators as custodians of Federal Head Start grants; and requiring local governance boards to actively oversee grantees.

These are common-sense reforms that I wholeheartedly support. That said, this bill remains flawed, and soon, we will turn to a number of amendments that highlight those flaws. One such amendment that we will not be able to discuss unfortunately is one offered to the Rules Committee by Mr. FORTUÑO yesterday. The Fortuño amendment is a principled one. It clearly protects the hiring privileges of faith-based providers and protects their civil rights to display religious symbols, rights that are sheltered under the 1964 Civil Rights Act. Yet, we will not be able to debate and vote on it today, a major statement about the real priorities of this purportedly fair, open and honest Congress.

Nonetheless, Mr. Chairman, I still believe the Improving Head Start Act is a worthy piece of legislation, deserving

of the same bipartisan support it received from the Education and Labor Committee just 2 months ago.

Before I conclude, I would like to thank a number of current and former members of my staff who have made this bill possible. First, to Kate Houston, who no longer works on Capitol Hill, let alone on our committee staff. Years ago, Kate helped craft legislation that closely tracks the bill we are poised to pass today.

Stephanie Milburn, who left our staff earlier this year to join Mr. BOEHNER's team, played an integral role in bringing this bill to where it is today, and I thank her as well.

Finally, I thank Susan Ross and James Bergeron for their work in helping to bring this bill across the finish line.

I have already mentioned thanks to Mr. MILLER, Mr. KILDEE, Mr. CASTLE, and I would like to thank their staff also for working with us so closely on this bill.

The team effort that we have demonstrated on this issue, and our ability to work closely with our Democratic counterparts, yielded the product we are poised to vote on this afternoon.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume and just to thank my colleagues who joined in the general debate and for their support for this legislation and, again, to thank the staffs on both sides of the aisle of both the subcommittee and the full committee without whose work and effort and knowledge this legislation would not be in the kind of shape it is today, with the support that it has from both Republicans and Democrats for the Head Start bill.

Mr. McDERMOTT. Mr. Chairman, I represent a community that honors the memory and civil rights legacy of Dr. Martin Luther King, Jr. every day, because King County has adopted Dr. King's portrait as our symbol, and Dr. King's commitment to civil rights as our commitment to all the people in King County, Washington.

So, it is with a unique responsibility that I rise to strongly oppose this Republican attempt to turn back the lock on civil rights in this Nation, beginning with the Head Start program. The Minority Leader, the leader and spokesman for the Republican Party in the House, wants us to legislate employment discrimination within Head Start based on religion. The Minority Leader wants to turn his back on civil rights, and turn back the clock on the struggle for freedom that Dr. King and so many others fought and died for.

The Republican House leader apparently finds the First Amendment inconvenient for his taste. The First Amendment protects Americans from exactly the kind of foolish proposal before us today. Separation of Church and State is one of the fundamental principles within the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."

We must not roll back civil rights in this Nation, not today, not tomorrow, and not ever, but that's what the I leader of the Republican party proposes. There is no reason to justify this attempt to roll back longstanding civil rights and religious liberty protections in a program that has benefited countless children over the years. In a nation like ours with so many religious traditions, built-in protections prohibiting religious discrimination in federally funded programs represents a fundamental commitment towards a society that values the contributions of people of all faiths.

Religious organizations have had a long and proud history in Head Start programs, including in my own district of Seattle, where the YWCA is a Head Start provider. Civil rights protections have never been a bar to participation by these organizations. If these safeguards are repealed, thousands of dedicated Head Start teachers and parent volunteers could find themselves no longer welcome at some Head Start programs run by followers of other faiths.

Religious organizations are free to engage in faith-based hiring when they use their own funds to promote their institutional ministry, but not when they use Federal money to educate our Nation's children. It would be wrong to permit religious organizations to use Federal dollars to discriminate on the basis of religion in running Head Start programs that are intended to benefit disadvantaged children of all faiths.

On behalf of the people of Dr. Martin Luther King, Jr., County, in Washington State, I strongly oppose this amendment and urge my colleagues to vote "No."

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 1429, the Improving Head Start Act of 2007.

Mr. Chairman, for the last two Congresses we have successfully fought back the attempts by the then Republican leadership to cut funding, and to drastically change Head Start in ways that would prevent them from providing the services that our communities have come to depend on them for.

Every week I meet with outstanding high school and college students who began their educational journey in Head Start. This bill provides additional funding so that more children would have the opportunities provided by this important program.

H.R. 1429 also provides greater monitoring and accountability and increases funds for salaries and professional development.

As amended it also provides loan forgiveness for Head Start teachers as a means to attract and retain some of the best teachers for this very vulnerable group of children.

One thing this bill does not do is allow centers run by religious organizations to discriminate in their hiring.

Mr. Chairman, this bill, together with H.R. 1867 is an important step forward in realizing the "competitiveness agenda" that you have laid out for us in the 110th Congress.

I urge the passage of both bills.

Ms. SOLIS. Mr. Chairman, I rise in support of H.R. 1429, the Improving Head Start Act of 2007. Head Start is a program that has been crucial on the development and academic success of our children for more than 40 years.

Since 1965, more than 24 million children have benefited from Head Start's comprehensive services and school readiness. Last year alone Head Start served about 900,000 children nationwide—over 98,000 children in my home State of California and nearly 6,500 children, more than 60 percent Latino, in the 32nd Congressional District of California, which I represent.

In addition to providing these comprehensive services, Head Start programs engage parents as partners in their children's education. Parents volunteer at their child's school site and many become Head Start teachers. Head Start has a proven track record of improving the lives of low-income children and families. It narrows the gap between disadvantaged children and all children in vocabulary and writing skills. It also leads to continued improvements in word knowledge, letter recognition, and math and writing skills relative to other children during their kindergarten year. 83 percent of Head Start children are at the national norm by the time they reach kindergarten.

Studies also demonstrate that Head Start programs improve the well-being of the children and families they serve, providing health and dental services to children and families who might otherwise not have them. Head Start programs benefit parents as well. Head Start parents report increases in education attainment and employment during their time affiliation with Head Start. In California, 24 percent of Head Start employees are or were Head Start parents. In addition, 86 percent of Head Start volunteers in California are current or former parents of the local Head Start program.

The Improving Head Start Act of 2007, H.R. 1429, not updates this program so all children could be put in the road for academic success. It makes significant improvements that will help strengthen educational outcomes for students, ensure better coordination with local school districts, improve teacher quality, and increase program eligibility. It would help improve Head Start's workforce quality by increasing funding for teacher and staff salaries and professional development. This includes providing funds for training personnel in addressing the unique needs of migrant and seasonal working families, families of children with disabilities, limited english proficient families and homeless families. It will also expand access to up to 10,000 more children and will strengthen school readiness by re-evaluating and updating current standards and assessments based on best science.

H.R. 1429 also reserves 5 percent of the total Head Start appropriation for the Migrant and Seasonal Head Start program. This is important because the Migrant and Seasonal Head Start program serves some of the country's neediest working families and is designed to meet the unique challenges and opportunities faced by the children of farmworkers.

At a time when America needs to be at the forefront of innovation and education, programs like Head Start are an investment in our future workforce and their success. I applaud the members of the Committee on Education and Labor for their work on the reauthorization of this important program. I urge my colleagues to vote in favor of H.R. 1429 and to oppose any proposal that would block this grant program or would allow government-funded religious discrimination in Head Start programs. Supporting this bill is supporting our Nation's future.

Mr. TERRY. Mr. Chairman, I rise in support of H.R. 1429, the Improving Head Start Act of 2007.

This bipartisan legislation will benefit nearly one million disadvantaged children nationwide

by expanding Head Start's focus on school readiness. Low-income children will be taught key early learning skills such as alphabet, number, color and shape recognition to help them succeed in their school years.

This bill also opens poor-performing Head Start programs to greater public scrutiny and needful competition. Triennial program reviews by the Federal government and independent investigation by the Government Accountability Office have revealed that some Head Start programs operate with Federal tax dollars despite chronic financial mismanagement, health and safety concerns, and poor community involvement.

H.R. 1429 would help remedy this situation by requiring Head Start programs to demonstrate active partnerships with local school districts to ensure smooth transitions for children into kindergarten. Poor-performing programs would be opened to competition every 5 years. Annual disclosures of financial information and greater participation of parents in the decisions of Head Start governing boards will also make a difference.

I have personally seen the benefits of partnering local school districts with Head Start. Several years ago, a long-standing Head Start program serving 1,000 children in Douglas County, Nebraska was transferred to the control of the Omaha Public School District to end long-standing financial mismanagement and safety concerns for children.

Omaha Public Schools went the extra mile by partnering with EduCare, an outstanding private preschool program that involves the entire family, emphasizes best practices, and focuses on early learning skills to help disadvantaged children succeed in school and life.

EduCare was created by Susie Buffett and currently serves 239 children from Omaha families living below the poverty level. Families must either work, be in job training, or attending school to qualify. Enrollment is free, with costs covered by the Nebraska Department of Education, Omaha Public Schools, the Department of Health and Human Services and private sources.

EduCare has a low child-to-adult ratio: three infants per adult, and six preschoolers per adult. Bachelor level staff members are trained in early childhood education, and the program contains strong academic components to help children succeed in school, including limited english proficiency children.

Buffett has said: ''We look at the whole entire family, not just the child.'' Parents are directed to community resources to improve home life, such as food shelters and Christmas toy drives. Single mothers are helped with transportation and job searches.

Prelimary evaluation data indicates that the EduCare program is making a significant difference in the lives of children. Upon entering the program, children's language, literacy and social emotional areas of development are assessed. Most children initially score in the borderline range of development. Annual assessment results have shown the majority of participating children gained more vocabulary words in the course of the school year than one would expect based on maturity.

By the time they transitioned to kindergarten, EduCare's children were scoring very close to the national average. Standardized assessments of children's literacy and kindergarten readiness skills show similar results. Because research has shown children's vocabulary and pre-literacy skills to predict later school success, every Head Start program should help children reach such strong learning potential while addressing the short and long-term needs of the child's family. EduCare is an incredible success story in the lives of low-income children.

I also want to draw the attention of my colleagues to a provision of this bill to protect Head Start for children of military families. The privatization of military housing created an artificial raise in a military family's income, making their children ineligible for Head Start. H.R. 1429 would disregard the Basic Housing Allowance from a family's income when determining Head Start eligibility. Servicemembers protecting our freedom need not worry about their children's continued access to Head Start.

Mr. Chairman, I hope we can go even further in the future to strengthen the academic emphasis in Head Start and give states and excellent programs such as EduCare a greater ability to improve the lives of low-income children and their families. H.R. 1429 makes good progress in this direction.

Mr. STARK. Mr. Chairman, I rise today in strong support of the Improving Head Start Act of 2007 (H.R. 1429).

Since 1965, Head Start has served millions of low-income families and helped children prepare for school. It is an essential program and one whose success has a major impact on children, their families, their community, and ultimately the future of our country. We owe it to our children to pass this bill and make improvements that strengthen and grow the Head Start program.

Scientific research shows us that 80 percent of brain development occurs by age 3 and 90 percent by age 5. Studies also show that education achievement gaps between poor and minority students and affluent and non-minority students are already in place when children begin elementary school. These achievement gaps, once in place, tend to persist and are exceedingly difficult to remedy. Head Start and Early Head Start are effective in closing achievement gaps and foster both short and long-term success in participating children.

In addition to preparing children for success in school, recent research clearly demonstrates that children enrolled in Early Head Start and their parents realize other very significant gains. Early Head Start children show better approaches to learning, demonstrate more appropriate language acquisition, and exhibit less aggressive behavior. Early Head Start parents create a stronger home environment with more parent-child reading and a greater repertoire of discipline strategies. Early Head Start parents also show significant progress toward economic self-sufficiency. These impacts are significant and result in children with increased linguistic, cognitive, social and emotional competence. What better investment could we be making for our children?

Unlike programs dreamed up by ideologues in the Bush Administration like ''abstinence only education'' and ''marriage promotion,'' we know that Head Start works. Unfortunately, less than half of eligible children are enrolled in Head Start. Even worse, less than 5 percent of eligible infants and toddlers are enrolled in Early Head Start.

If we are serious about providing all children with an opportunity to succeed in school and in life, we must expand Head Start and particularly Early Head Start. This bill is a step in that direction. It will more than double the amount of money available to Early Head Start programs. The bill will also expand services to infants and toddlers that are so crucial to child development, but often difficult for parents to access. In addition, the Improving Head Start Act will increase eligibility levels so that children from families making up to 130 percent of the Federal poverty level can participate. This change is especially important in areas of the country with high costs of living, including my district where the poverty threshold is well below what it actually costs a family to live.

This bill's expansion of Early Head Start and Head Start should be applauded. We cannot lose sight, however, that these programs only address the tip of the iceberg. This Congress must focus more of our attention on all children birth to age 5 and guarantee that all families have access to high quality comprehensive early care and education programs. This is an investment that our country must make if we are serious about giving all of our children a chance at the American dream.

Despite the strong bipartisan support for this legislation, the White House has indicated that the President does not support this legislation as written unless we insert a special interest provision for the religious right. The President and many Republicans want to allow religious organizations to discriminate in their hiring practices. Religious organizations have been Head Start providers since the program was established and have done quite well playing by the same rules that prohibit all employers from discriminating. Pandering rhetoric and veiled threats from the White House will not improve the life of a single family.

In closing, I hope that all of my colleagues will see the importance of investing in our children and supporting families. I urge a ''yes'' vote on this legislation and a ''no'' vote on Republican attempts to turn this into a vehicle for religious discrimination.

Mr. WU. Mr. Chairman, I rise in strong support of this legislation.

Head Start has proven its ability to improve the lives of disadvantaged children. Numerous studies have demonstrated that children who attend Head Start come to school more prepared than children who do not participate, and that these effects last over a period of years.

I have personal experience with the program—my wife, Michelle, was a Head Start teacher for 7 years in Oregon. In her classes, I saw the children of janitors and security guards.

Their parents worked in the sparkling towers of downtown Portland, but they themselves never got to visit downtown, except in their Head Start field trips.

The Improving Head Start Act makes several needed changes to current law. It ends the use of the National Reporting System—a flawed testing system that has tested over 500,000 4-year-olds, despite strong opposition by child development experts.

The bill also improves current law by making clear that Head Start agencies must establish and maintain a formal structure of shared governance with parent policy councils. This will codify in law that parents have the ability to shape and share a role in the success of their local Head Start program.

Finally, the bill authorizes $7.35 billion in funding for the program in FY08—an increase of over $400 million from this year's level.

Oregon's Department of Education reports that, as of January 2007, 43.2 percent of eligible children cannot participate in the program due to lack of funding. Head Start is a highly successful program, and it ultimately costs all of us when those eligible cannot participate.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in strong support of the Head Start Program and I am encouraged by H.R. 1429, the Head Start Improvement Act of 2007.

I am a Head Start kid. I have firsthand experience of the comprehensive education programs and opportunities that Head Start provides to low-income families.

Head Start programs promote school readiness by assisting with the social and cognitive development of young children. Research consistently identifies the early years of a child's development as ever more crucial to the child's lifetime success.

Many Head Start programs already try to incorporate new research into their strategies through education, health, nutrition, and social services. This bill ensures that local Head Start programs have the resources to undertake the best practices for furthering a child's development.

Head Start is about the family. As I received education and health services, my mother learned valuable lessons on how to become a more active and involved parent in America's public school system.

I am glad to see that this bill maintains the existing shared governance structure to help empower parents and allow programs to be responsive to local needs.

What's more, this bill is good for Head Start teachers. This bill takes the necessary steps to ensure that Head Start teachers' salaries and professional development are in line with the responsibility that we assign to them.

The Head Start Improvement Act of 2007 is a good bill that will keep Head Start strong so it can remain the great program that it was for me, and continues to be for so many Americans.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to support the Improving Head Start Act, a bill that will strengthen our nation's premiere early childhood education program and expand its services to thousands more children across the country.

Head Start has been improving lives and increasing opportunities for children and families for more than 40 years. With this important program, we teach our children that they can succeed, regardless of background or family income. We open doors to millions and prepare them for future success in school and careers.

This bill provides much-needed amendments to Head Start that will improve workforce quality by increasing funding for staff salaries and professional development, and enhance coordination between early education and primary schools. It also strengthens standards and accountability to ensure that our children are getting the best quality care and education.

I am also pleased that this House defeated a divisive and misguided motion that would, for the first time, legitimize publicly funded religious discrimination in the Head Start program. It would have given taxpayer money to Head Start centers and allow those centers to exclude taxpayers from jobs solely on the basis of their religious beliefs. It would be a green light for religious bigotry. Its passage would have been bad for education and bad for religion and I joined the National Head Start Association, the Interfaith Alliance, and countless other secular and religious advocates of the Head Start Program in opposing it. I am glad that we have a clean bill to pass today.

I also urge my colleagues to not only vote for this bill, but to continue to advocate for Head Start by supporting full funding for the program. It is not enough to pass the legislation—we need to give our communities the resources they need to carry out our mandates.

I thank Chairman MILLER, Chairman KILDEE and the Committee on Education and Labor for their work on this important legislation, and urge its final passage today.

Ms. HIRONO. Mr. Chairman, I rise today in support of the Improving Head Start Act of 2007. Over and over again, rigorous evaluations have shown that Head Start and Early Head Start works. It improves the lives of our neediest children and families.

I am proud to be an original cosponsor of the bill at hand, as it makes several positive changes to the Head Start program. It authorizes $450 million new dollars to the program, which is enough to provide up to 10,000 new spots for children. It prioritizes program improvement by increasing funding for teacher and staff salaries and professional development. It suspends the National Reporting System, which is a flawed testing system that does not adequately assess this comprehensive system.

Science has shown that providing a quality early education experience leads to healthy brain development that prepares children for success in school, as well as later in life. Access to high quality early education, as well as to wrap around, comprehensive services, really sets the foundation for children and their parents.

I urge my colleagues to support this strong, bipartisan bill. It will directly improve the lives of many, many children and families.

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong support of H.R. 1429, the Improving Head Start Act of 2007. Since 1965, the Head Start early childhood education program has provided low-income children with comprehensive child development, educational, health, nutritional, and social activities to ensure that they are ready to enter kindergarten on an equal playing field with other children. H.R. 1429 will expand and improve the successful Head Start program, which research has shown works in raising children's achievement.

I want to thank Representatives KILDEE, CASTLE and Chairman MILLER for their outstanding leadership on this bipartisan bill, which would allow as many as 10,000 more children to access the benefits Head Start. It improves classroom and teacher quality, raising the qualifications of teachers and increasing funding for teacher and staff salaries and professional development. The bill also includes strong accountability measures to better ensure that Head Start funds are used appropriately and efficiently and that underperforming programs are either replaced or quickly improved.

As a former educator, I understand the importance of closing the school-readiness gap and ensuring that all children can start their education on an equal playing field. Today, we have the opportunity to pass a bill that will make great strides toward just that.

Ms. LEE. Mr. Chairman, I rise in strong support of the amendment offered to the Head Start reauthorization bill by my friend and colleague from Texas, Congresswoman EDDIE BERNICE JOHNSON.

This amendment would encourage partnerships with Historically Black Colleges and Universities and Head Start.

This amendment builds on the important step that the underlying bill takes. That is, H.R. 1429 will require that fifty percent of Head Start teachers have a Bachelor's degree in early childhood education by 2013.

This amendment would create a partnership between the Secretary of HHS and HBCU's to meet the new degree requirements. It would require those who benefit from this partnership to teach at a Head Start program for a period of time equivalent to the time they received assistance.

This is a significant amendment not only because it will provide students with qualified teachers in their classrooms, it will also set a good example for these students. In fact, evidence suggests that students who attend early childhood programs have a better chance of success later in life. In an article published in the Developmental Psychology journal of the American Psychological Association in 2005 showed that children in Early Head Start had better test scores, had better cognitive and language development. These children also showed less aggressive behavior then non-early Head Start children, which goes towards improving the overall environment of our elementary and secondary schools.

I urge my colleagues to support this amendment and the underlying bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The 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 committee amendment in the nature of a substitute is as follows:

H.R. 1429

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 ''Improving Head Start Act of 2007''.

SEC. 2. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

''SEC. 636. STATEMENT OF PURPOSE.

''It is the purpose of this subchapter to promote the school readiness of low-income children—

''(1) by enhancing their cognitive, social, and emotional development in a learning environment that supports children's growth in language, literacy, mathematics, science, social and emotional functioning, physical skills, and approaches to learning; and

''(2) through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are

determined, based on family needs assessments, to be necessary.''.

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (22) and (23), respectively,

(2) by redesignating paragraph (15) as paragraph (20), respectively,

(3) by redesignating paragraphs (11) through (14) as paragraphs (15) through (18), respectively,

(4) by redesignating paragraph (10) as paragraph (13),

(5) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively,

(6) by inserting after paragraph (1) the following:

''(2) The term 'deficiency' means—

''(A) systemic or significant material failure of a Head Start agency in an area of performance that the Secretary determines involves—

''(i) a threat to the health, safety, or civil rights of children or staff;

''(ii) a denial to parents of the exercise of their full roles and responsibilities related to program governance;

''(iii) a failure to perform the requirements of section 641A(a), as determined by the Secretary;

''(iv) the misuse of funds received under this subchapter;

''(v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or

''(vi) failure to meet any other of Federal or State requirement; or

''(B) material failure of the board of directors of a Head Start agency to meet its legal and fiduciary responsibilities.'',

(7) by inserting after paragraph (10), as so redesignated the following:

''(11) The term 'homeless children' has the meaning given such term in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

''(12) The term 'homeless family' means the family of a homeless child.'',

(8) by inserting after paragraph (13), as so redesignated the following:

''(14) The terms 'limited English proficient' and 'limited English proficiency' mean with respect to an individual, that such individual—

''(A)(i) was not born in the United States or has a native language that is not English;

''(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

''(II) comes from an environment in which a language that is not English has had a significant impact on such individual's level of English language proficiency; or

''(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

''(B) has difficulty in speaking or understanding the English language to an extent that may be sufficient to prevent such individual from—

''(i) successful achievement in classrooms in which the language of instruction is English; or

''(ii) fully participating in society.'',

(9) by inserting after paragraph (18), as so redesignated the following:

''(19) The term 'professional development' means high quality activities that will improve the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, in program administration and the provision of services and instruction, as appropriate, in a manner that improves service delivery to eligible children and families, including activities that—

''(A) are part of a sustained effort to improve overall program quality and outcomes for eligible children and families;

''(B) are developed or selected with extensive participation of administrators and teachers from Head Start programs;

''(C) are developmentally appropriate for the children being served;

''(D) include instruction in ways that Head Start personnel may work more effectively with parents, as appropriate;

''(E) are designed to give teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate;

''(F) if a 1-day or short-term workshop or conference, must be as part of the professional development plan defined in section 648A(f) and be delivered by an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services;

''(G) assist teachers with—

''(i) the acquisition of the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services in early language and literacy, early mathematics, early science, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development linked to school readiness;

''(ii) meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate;

''(iii) improving classroom management skills, as appropriate;

''(iv) advancing understanding of effective instructional strategies that are—

''(I) based on scientifically based research; and

''(II) aligned with—

''(aa) the Head Start Child Outcomes Framework developed by the Secretary and State early learning standards, as appropriate; and

''(bb) the curricula, ongoing assessments, and other instruction and services designed to help meet the standards described in section 641A(a)(1);

''(v) acquiring the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of limited English proficient children, as appropriate; or

''(vi) methods of teaching children with disabilities, as appropriate.'',

(10) by inserting after paragraph (20), as so redesignated, the following:

''(21) The term 'scientifically based research'—

''(A) means research that involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

''(B) includes research that—

''(i) employs systematic, empirical methods that draw on observation or experiment;

''(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

''(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

''(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

''(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

''(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.'', and

(11) by amending paragraph (23), as so redesignated, to read as follows:

''(23) The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

''SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this subchapter $7,350,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2012.

''(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available to carry out research, demonstration, and evaluation activities (including longitudinal studies under section 649) not more than $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal the years 2009 through 2012, of which not more than $7,000,000 for each of the fiscal years 2008 through 2012 shall be available to carry out impact studies under section 649(g).''.

SEC. 5. ALLOTMENT OF FUNDS; LIMITATION ON ASSISTANCE.

(a) ALLOTMENT OF FUNDS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended to read as follows:

''(a) ALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—Of the funds appropriated under section 639, the Secretary shall allot such amounts in accordance with paragraphs (2) through (4), and subject to paragraphs (5) and (6).

''(2) THIRTEEN PERCENT SET-ASIDE.—The Secretary shall reserve 13 percent of the amount appropriated for each fiscal year for use in accordance with the following order of priorities:

''(A) SPECIAL POPULATIONS.—For Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that—

''(i) there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for fiscal year 2007;

''(ii) migrant and seasonal Head Start programs shall receive not less than 5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible children of migrant and seasonal farmworkers is comparable to access to funding for other eligible children based on the data collected and reported pursuant to section 648(l), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services before such reduction in funding; and

''(iii) Indian Head Start programs shall receive not less than 3.5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible Indian children is comparable to access to funding for other eligible children based on the data collected in accordance with the requirements of section 648(k), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible,

continue participation for children less than 3 years of age receiving services before such reduction in funding.

''(B) PAYMENTS TO TERRITORIES AND FREELY ASSOCIATED STATES.—Subject to paragraph (7), for payments to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and the Republic of Palau, except that payments to the Republic of Palau shall not be made after fiscal year 2009.

''(C) TRAINING AND TECHNICAL ASSISTANCE.—Not less than 2 percent of the amount appropriated for such fiscal year for training and technical assistance activities to foster program quality and management improvement as described in section 648, of which—

''(i) not less than 50 percent shall be available to local Head Start agencies to make program improvements identified by such agencies to use for the training and technical assistance activities described in section 648(j);

''(ii) not less than 30 percent shall be available to the Secretary to support a State-based system or a national system, in the case of migrant and seasonal Head Start and Indian Head Start programs, of early childhood education training and technical assistance to local Head Start agencies as described in section 648(n); and

''(iii) the remainder of such amount shall be available to the Secretary to assist local Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1), including financial assistance to help Head Start programs address weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c), except that—

''(I) not less than $3,000,000 shall be available to carry out the activities described in section 648(c)(4); and

''(II) no more than $5,000,000 shall be reserved to carry out the activities described in section 642B(b).

''(D) MONITORING AND TERMINATIONS.—For discretionary payments made by the Secretary, including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies, programs under section 641A(c), and of activities carried out under paragraph (1), (2), or (3) of section 641A(d) related to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies.

''(E) RESEARCH.—For payments for research, demonstration, and evaluation activities under section 649.

No funds reserved under this paragraph or paragraph (3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.

''(3) QUALITY IMPROVEMENT FUNDS.—

''(A) DETERMINATION OF FUNDS.—

''(i) For each of the fiscal years 2008 through 2012, to provide assistance for activities specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

''(I) 60 percent of such excess amount; and

''(II) any additional part of such excess amount the Secretary may find necessary to address a demonstrated need for such activities.

''(ii) As used in clause (i), the term 'adjusted prior year appropriation' means, with respect to a fiscal year, the amount appropriated under section 639(a) for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

''(B) QUALITY IMPROVEMENT ACTIVITIES.—Funds reserved under this paragraph shall be used to carry out the following activities:

''(i) Not less than one-fourth of the amount reserved under this paragraph, to improve the compensation, salary scales, and benefit standards of educational staff, family service workers, and child counselors, as described in sections 644(a) and 653, to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

''(ii) Providing on-going professional development to teachers that improves their understanding of child development, content knowledge, and appropriate teaching strategies needed to provide effective instruction and other school readiness services in the areas of early language and literacy, early mathematics, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development.

''(iii) Improving the qualifications and skills of educational personnel to meet the professional standards established under section 648A(a)(1), including providing assistance to complete postsecondary course work, subject to section 648A(a)(2)(D).

''(iv) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.

''(v) Employing additional qualified classroom staff necessary to reduce the child to teacher ratio in the classroom and family to staff ratio for family services workers.

''(vi) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

''(vii) Increasing hours of program operation, including—

''(I) conversion of part-day to full-day; and

''(II) number of weeks operated in a calendar year.

''(viii) Improving the compensation and benefits of staff of Head Start agencies in order to improve the quality of Head Start programs.

''(ix) Transportation costs associated with transporting Head Start children safely, except that—

''(I) no more than ten percent of funds under this paragraph may be used for such purposes;

''(II) a Head Start agency shall demonstrate efforts to leverage the costs of transportation through collaboration with other entities; and

''(III) a Head Start agency shall submit information to the Secretary describing how such use of funds is necessary to prevent reduction or termination of transportation services or, in the case of a Head Start agency serving a rural community, how such use of funds is necessary to improve services to such community.

''(C) ALLOCATION.—

''(i) Funds reserved under subparagraph (A) shall be allotted by the Secretary as follows:

''(I) 80 percent of such funds shall be allotted among the States in the same proportion as the Secretary allots funds among the States under paragraph (4) for the respective fiscal year.

''(II) 20 percent of such funds shall be allotted among the States, geographical areas specified in subsection (a)(2)(B) and Indian Head Start programs and migrant and seasonal Head Start programs, and used to make grants to Head Start agencies, at the discretion of the Secretary.

''(ii) Funds allotted under clause (i) shall be used by the Secretary to make grants to Head Start agencies that receive grants from funds allotted under paragraph (4) for such fiscal year, in such amounts as the Secretary considers to be appropriate, for expenditure for activities specified in subparagraph (B).

''(iii) Funds received under this subparagraph shall be used to supplement, not to supplant, funds received under paragraph (2) or (4).

''(4) GRANT DISTRIBUTION.—Subject to section 639(b), the Secretary shall allot the remaining amounts appropriated in each fiscal year among the States, in accordance with latest satisfactory data so that—

''(A) each State receives an amount which is equal to the amount the State received for fiscal year 2007; and

''(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age from families whose income is below the poverty line.

For purposes of this paragraph, for each fiscal year the Secretary shall use the most recent data available on the number of children less than 5 years of age from families whose income is below the poverty line, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the most recent data available would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall issue a report setting forth their reasons in detail.

''(5) COLLABORATION GRANTS.—

''(A) From amounts reserved and allotted under paragraph (4), the Secretary shall award the collaboration grants described in subparagraphs (B), (C), and (D).

''(B)(i) From the reserved sums, the Secretary shall award upon submission of a written request, a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant and seasonal Head Start programs to facilitate collaboration between Head Start agencies and entities (including the State or national administrative office) that carry out other activities designed to benefit low-income families and children from birth to school entry. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraphs (B) and (C).

''(ii) Grants described in clause (i) shall be used to—

''(I) assist Head Start agencies to collaborate with entities involved in State and local planning processes to better meet the needs of low-income families and children from birth to school entry;

''(II) assist Head Start agencies to coordinate activities with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and entities providing resource and referral services in the State, to make full-working-day and full calendar year services available to children;

''(III) promote alignment of Head Start curricula and continuity of services with the Head Start Child Outcomes Framework and State early learning standards, as appropriate;

''(IV) promote better linkages between Head Start agencies and other child and family agencies, including agencies that provide health, mental health, or family services, or other child or family supportive services, such as services provided under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

''(V) carry out the activities of the State Director of Head Start Collaboration authorized in subparagraph (D).

''(C) In order to improve coordination and delivery of early education services to children in the State, a State that receives a collaboration grant under subparagraph (B) shall—

''(i) appoint or designate an individual to serve as, or carry out the responsibilities of, the State Director of Head Start Collaboration;

''(ii) ensure that the State Director of Head Start Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is

effective and involves a range of State agencies; and

''(iii) involve the State Head Start Association in the selection of the Director and involve the Association in determinations relating to the ongoing direction of the collaboration office.

''(D) The State Director of Head Start Collaboration shall—

''(i) not later than 1 year after the State receives a collaboration grant under subparagraph (B), conduct an assessment that—

''(I) addresses the needs of Head Start agencies in the State with respect to collaboration, coordination, and alignment of services, and alignment of curricula and assessments with the Head Start Child Outcomes Framework, and with State early learning standards, as appropriate;

''(II) shall be updated on an annual basis; and

''(III) shall be made available to the general public within the State;

''(ii) develop a strategic plan that is based on the assessment described in clause (i) that will—

''(I) enhance collaboration and coordination of Head Start services with other entities providing early childhood programs and services (such as child care or services offered by museums), health care, mental health care, welfare, child protective services, education and community service activities, family literacy services, reading readiness programs (including such programs offered by public and school libraries), services relating to children with disabilities, other early childhood programs and services for limited English proficient children and homeless children, and services provided for children in foster care and children referred to Head Start programs by child welfare agencies, including agencies and State officials responsible for such services;

''(II) assist Head Start agencies to develop a plan for the provision of full-working-day, full calendar year services for children enrolled in Head Start programs who need such care;

''(III) assist Head Start agencies to align curricula and assessments with the Head Start Child Outcomes Framework and to the State early learning standards, as appropriate; and

''(IV) enable Head Start agencies in the State to better access professional development opportunities for Head Start staff, such as by—

''(aa) working with local Head Start agencies to meet the degree requirements described in section 648A(a)(2)(A), including providing distance learning opportunities for Head Start staff, where needed to make higher education more accessible to Head Start staff; and

''(bb) enabling the State Head Start agencies to better conduct outreach to eligible families;

''(iii) promote partnerships between Head Start agencies, State and local governments, and the private sector to help ensure that children, who are in Head Start programs, are receiving comprehensive services to prepare the children to enter school ready to succeed;

''(iv) consult with the chief State school officer, local educational agencies, and providers of early childhood education and care, regarding early care and education services at both the State and local levels;

''(v) promote partnerships between Head Start agencies, schools, law enforcement, relevant community-based organizations, and substance abuse and mental health treatment agencies to strengthen family and community environments and to reduce the impact on child development of substance abuse, child abuse, domestic violence, and other high risk behaviors that compromise healthy development;

''(vi) promote partnerships between Head Start agencies and other organizations in order to enhance Head Start program quality, including partnerships to promote inclusion of more books in Head Start classrooms;

''(vii) identify other resources and organizations (both public and private) for the provision of in-kind services to Head Start agencies in the State; and

''(viii) work with the State Early Learning Council in order to assist the efforts of Head Start agencies to engage in effective coordination and collaboration.

''(6) EARLY HEAD START.—

''(A) AMOUNTS RESERVED.—From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a), a portion of the combined total of such amounts that is not less than 12 percent for fiscal year 2008, not less than 14 percent for fiscal year 2009, not less than 16 percent for fiscal year 2010, not less than 18 percent for fiscal year 2011, and not less than 20 percent for fiscal year 2012 of the amount appropriated pursuant to section 639(a).

''(B) LIMITATIONS.—

''(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to reserve the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or adversely affecting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be reserved for the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so reserved for the preceding fiscal year.

''(ii) For any fiscal year for which the amount appropriated under section 639(a) is reduced to a level that requires a lower amount to be made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to such agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

''(I) the amounts made available to such entities for programs carried out under section 645A; and

''(II) the amounts made available to such Head Start agencies for Head Start programs.

''(7) For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.''.

(b) SERVICE DELIVERY MODELS.—Section 640(f) of the Head Start Act (42 U.S.C. 9835(f)) is amended to read as follows:

''(f) SERVICE DELIVERY MODELS.—

''(1) Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall establish procedures to enable Head Start agencies to develop locally designed or specialized service delivery models to address local community needs, including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care.

''(2) In establishing the procedures, the Secretary shall establish procedures to provide for—

''(A) the conversion of part-day programs to full-day programs or part-day slots to full-day slots; and

''(B) serving additional infants and toddlers pursuant to section 645(a)(4).''.

(c) EXPANSION OF HEAD START PROGRAMS.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended in paragraph (2)—

(1) by striking ''For the purpose of expanding Head Start programs, in'' and inserting ''In'', and

(2) by amending subparagraphs (C) through (H) to read as follows:

''(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and local public agencies serving children and families with Federal, State, or local funds (including organizations and agencies providing family support services, child abuse prevention services, protective services, and foster care, and organizations serving families in whose homes English is not the language customarily spoken), and individuals, organizations, and public entities serving children with disabilities or homeless children, including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

''(D) the extent to which the family and community needs assessment of the applicant reflects a need to provide full working-day or full calendar year services and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with the State and local community providers of child care or preschool services to provide full working-day full calendar year services;

''(E) the number of eligible children in each community who are not participating in a Head Start program or any other early childhood program;

''(F) the concentration of low-income families in each community;

''(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will leverage the existing delivery systems of such services and enhance the resource capacity of the applicant;

''(H) the extent to which the applicant, in providing services, successfully coordinated its activities with the local educational agency serving the community involved, (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)) and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding such services and the education services provided by such local educational agency; and

''(I) the amount of funds used by such agency to pay administrative expenses and the amount of available funds received by such agency under this section to service each enrolled child.''.

(d) TRANSPORTATION SAFETY.—

(1) REGULATIONS.—The Secretary shall issue regulations establishing requirements for the safety features, and the safe operation, of vehicles used by Head Start agencies to transport children participating in Head Start programs.

(2) GOOD CAUSE WAIVER AUTHORITY.—The Secretary shall allow Head Start agencies to annually request a good cause exception to the requirements of regulations promulgated under paragraph (1) for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

(A) such requirements would create a safety hazard in the circumstances faced by such agency; or

(B) such requirements pertain to child restraint systems (45 C.F.R. 1310.11, 1310.15(a)) or bus monitors (45 C.F.R. 1310.15(c));

(C) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

(D) the waiver is in the best interest of the children involved.

(e) MIGRANT AND SEASONAL HEAD START PROGRAMS.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant and seasonal farmworkers and shall ensure that appropriate funding is provided to

meet such needs, including training and technical assistance and the appointment of a national migrant and seasonal Head Start collaboration director and a national Indian Head Start collaboration director.'', and

(2) by adding at the end the following:

''(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start programs and Early Head Start programs.

''(B) The consultations shall be for the purpose of better meeting the needs of Indian children and children of Alaskan Natives, and their families, in accordance with subsections (a), (b), and (c) of section 641, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

''(C) The Secretary shall publish a notification of the consultations in the Federal Register before conducting the consultations.

''(D) A detailed report of each consultation shall be prepared and made available within 90 days of the annual consultation to all Indian tribes that receive assistance under this subchapter.''.

(f) ENROLLMENT OF HOMELESS CHILDREN; RULE OF CONSTRUCTION; MATERIALS.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

''(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall issue rules to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such rules shall require Head Start agencies—

''(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;

''(2) to allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame; and

''(3) coordinate individual Head Start programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).

''(n) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening before participating in such program, except as provided under sections 612(a)(3) and 635(a)(5) of the Individuals with Disabilities Education Act.

''(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be based on scientifically based research, age and developmentally appropriate, and focused on all areas of development (cognitive, social, emotional, and physical), learning (language and literacy, mathematics, science, and creative arts) and approaches to learning. Parents shall be permitted to inspect, upon request, any curricula or instructional materials used to carry out this subchapter.''.

SEC. 6. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended to read as follows:

''SEC. 641. DESIGNATION OF HEAD START AGENCIES.

''(a) AUTHORITY TO DESIGNATE.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, pursuant to the requirements of this section, except that until such time that the Secretary develops and implements the system of application review under this section, the Secretary is authorized to designate as a Head Start agency, any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, in the manner and process utilized by the Secretary prior to the enactment of the Improving Head Start Act of 2007.

''(b) APPLICATION FOR GRANTS.—Each entity shall submit a plan to the Secretary, at such time and in such manner as the Secretary may require.

''(c) DEVELOPMENT OF APPLICATION REVIEW SYSTEM.—

''(1) IN GENERAL.—The Secretary shall develop a system that integrates the recommendations of the expert panel convened under paragraph (3) to determine if a Head Start agency is providing a quality comprehensive early learning program that meets the educational, health, and nutritional needs of the children and families it serves, and meets program and financial management requirements and performance standards described in section 641A(a)(1), based on—

''(A) annual budget data;

''(B) program reviews conducted under section 641A(c);

''(C) annual audits required under section 647;

''(D) classroom quality as measured under section 641A(c)(2)(H); and

''(E) Program Information Report.

''(2) EXPERT PANEL.—No later than six months after the enactment of the Improving Head Start Act of 2007, the Secretary shall convene an expert panel of 7 members to make recommendations to the Secretary on the development of a transparent, reliable, and valid system for evaluating grant renewal applications.

''(3) COMPOSITION OF EXPERT PANEL.—The Secretary, in convening such panel, shall appoint the following:

''(A) 5 members, who are competent, by virtue of their training, expertise, and experience, in each of at least one of the following areas:

''(i) Early childhood program accreditation or quality assessment.

''(ii) Research on early childhood development.

''(iii) Governance and finance of non-profit organizations.

''(iv) Delivery of services to children and families with limited English proficiency.

''(v) Delivery of services to children with disabilities.

''(B) An employee from the Office of Head Start.

''(C) An executive director of a Head Start agency.

''(4) EXPERT PANEL REPORT.—Within 12 months of being convened by the Secretary, the expert panel shall issue a report to the Secretary that provides recommendations on a proposed system of application review that takes into account the criteria in paragraph (1) to evaluate whether a Head Start grantee is meeting mission to provide a high quality comprehensive early education program, including adequately meeting its governance and financial management requirements.

''(5) PUBLIC COMMENT; REPORT TO CONGRESS.—No later than 6 months after receiving the report described in paragraph (4), the Secretary shall publish a proposed system of application review in the Federal Register, providing at least 90 days for public comment and shall provide a report to the Education and Labor Committee of the U.S. House of Representatives and the Health, Education, Labor, and Pensions Committee of the U.S. Senate that provides a detailed description of such proposed system, including clear rationale for any differences between the proposed system and the recommendations of the expert panel, if any such differences exist.

''(6) IMPLEMENTATION OF APPLICATION REVIEW SYSTEM.—After the Secretary has reviewed all public comments and finalized the system of application review, the Secretary will use this system to determine which grantees are successfully delivering a high quality comprehensive early education program. Grantees who are determined under such system to be—

''(A) successfully delivering a high quality comprehensive early education program shall be designated a Head Start agency for a period of 5 years;

''(B) under-performing and may enter into an open competition as described in subsection (e); and

''(C) notwithstanding paragraph (B), if an Indian Head Start agency is determined to be underperforming, the Secretary shall engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a performance enhancement plan for that agency. Such plan is to be developed and implemented within 6 months of the Secretary's determination. Not more than 6 months after implementation of that plan, the Secretary shall re-evaluate the performance of the Indian Head Start agency. If the Indian Head Start agency remains underperforming, the Secretary shall conduct an open competition as described in subsection (e), subject to the following limitations:

''(i) Except as provided in paragraph (ii), a non-Indian Head Start agency may not receive a grant to carry out an Indian Head Start program.

''(ii) In a community in which there is no Indian Head Start agency available for designation to carry out an Indian Head Start program, a non-Indian Head Start agency, on an interim basis, may receive a grant to carry out an Indian Head Start program, but only until such time as an Indian Head Start agency in such community becomes available.

''(d) TRANSPARENCY, RELIABILITY, AND VALIDITY.—The Secretary shall ensure the system of application evaluation is fair, consistent, and transparent and applied in a manner that designates, in a timely manner grantees as Head Start agencies for a period of 5 years if such grantees are providing a high quality comprehensive early education program. The Secretary shall periodically evaluate whether the criteria are being applied in a manner that is transparent, reliable, and valid.

''(e) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—

''(1) IN GENERAL.—If no entity in a community is determined to be successfully delivering a high quality comprehensive early education program, as specified in subsection (c), the Secretary shall, after conducting an open competition, designate for a 5-year period a Head Start agency from among qualified applicants in such community.

''(2) CONSIDERATIONS IN DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

''(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

''(B) the plan of such applicant to provide comprehensive health (including mental and behavioral health), educational, nutritional, social, and other services needed to prepare children to succeed in school and in life;

''(C) the plan of such applicant to attract and retain qualified staff capable of delivering a high quality comprehensive early education program, including demonstrating the ability to provide adequate salary and benefits to maintain a high quality staff;

''(D) the ability of such applicant to maintain child-teacher ratios and family service worker caseloads that reflect best practices and are tied to high quality service delivery;

''(E) the capacity of such applicant to serve eligible children with curriculum and teaching practices that are based on scientifically based research, are developmentally appropriate, and that promote the school readiness of children participating in the program;

''(F) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

''(G) the proposed budget and plan of such applicant to maintain strong fiscal controls and cost effective fiscal management;

''(H) the plan of such applicant to coordinate the Head Start program the applicant proposes to carry out, with other local early learning programs for young children, including—

''(i) programs implementing grants under the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

''(ii) and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

''(iii) State prekindergarten programs;

''(iv) child care programs; and

''(v) the educational programs that the children participating in the Head Start program will enter at the age of compulsory school attendance;

''(I) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;

''(J) the plan of such applicant—

''(i) to seek the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;

''(ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level;

''(iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subchapter 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

''(I) family literacy services; and

''(II) parenting skills training;

''(iv) to offer to parents of participating children, mental health services (either directly or through referral to local entities), including substance abuse counseling and information on maternal depression and on the effect of drug-exposure on infants and fetal alcohol syndrome;

''(v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

''(I) training in basic child development (including cognitive, social, and emotional development);

''(II) assistance in developing literacy and communication skills;

''(III) opportunities to share experiences with other parents (including parent mentor relationships);

''(IV) regular in-home visitation;

''(V) mental and behavioral health services; or

''(VI) any other activity designed to help such parents become full partners in the education of their children;

''(vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in subparagraph (H) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

''(vii) to extend outreach to fathers, in appropriate cases, in order to strengthen the role of fathers in families, in the education of their young children, and in the Head Start program, by working directly with fathers and father figures through activities such as—

''(I) in appropriate cases, including fathers in home visits and providing culturally appropriate opportunities for direct father-child interactions; and

''(II) targeting increased male participation in the conduct of the program;

''(K) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

''(L) the plan of such applicant to meet the diverse cultural needs of the population served;

''(M) the plan of such applicant to meet the needs of children with disabilities;

''(N) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program to obtain health, including mental health, services from other sources;

''(O) the plan of such applicant to collaborate with other entities carrying out public or private early childhood education and child care programs in the community;

''(P) the plan of such applicant to meet the needs of homeless children, including transportation needs, and children in foster care and children and families experiencing toxic stress;

''(Q) the plan of such applicant to maintain a qualified staff, including a teaching staff qualified to implement research-based curricula aligned with the Head Start Child Outcomes Framework developed by the Secretary and to the early learning standards in State in which such program would operate;

''(R) the plan of such applicant to enter into memoranda of understanding with local educational agencies within the service area, as described in section 642B(a); and

''(S) other factors related to the requirements of this subchapter.

''(f) INTERIM PROVIDER.—If no agency in the community receives priority designation under subsection (c), and there is no qualified applicant in the community, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.

''(g) PARENT AND COMMUNITY PARTICIPATION.—The Secretary shall require that the practice of significantly involving parents and area residents affected by the program in the selection of Head Start agencies be continued.

''(h) COMMUNITY.—For purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary) or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.''.

SEC. 7. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended to read as follows:

''SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

''(a) QUALITY STANDARDS.—

''(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall modify, as necessary, program performance standards by regulation applicable to Head Start agencies, programs, and projects under this subchapter, including—

''(A) performance standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d), and other services;

''(B) scientifically based and developmentally appropriate early learning standards related to school readiness that are based on the Head Start Child Outcomes Framework to ensure that the children participating in the program, at a minimum develop and demonstrate—

''(i) language knowledge and skills, including oral language and listening comprehension;

''(ii) prereading knowledge and skills that prepare children for early literacy in schools including phonological awareness, print awareness and print skills, and alphabetic knowledge;

''(iii) mathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

''(iv) science knowledge and skills, including measurement;

''(v) cognitive abilities related to academic achievement and general knowledge;

''(vi) social and emotional development related to early learning, school success, social problem-solving, and overall well-being;

''(vii) approaches to learning related to child development and early learning;

''(viii) creative arts; and

''(ix) in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in clauses (i) through (viii), including progress made through the use of culturally and linguistically appropriate instructional services;

''(C) administrative and financial management standards;

''(D) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

''(E) such other standards as the Secretary finds to be appropriate.

''(2) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the standards required under paragraph (1), the Secretary shall—

''(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to limited English proficient children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

''(B) take into consideration—

''(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

''(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

''(iii) recommendations from the report on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, when it becomes available;

''(iv) developments concerning research-based practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

''(v) projected needs of an expanding Head Start program;

''(vi) guidelines and standards currently in effect or under consideration that promote child health services and physical development, including outdoor activity that supports children's motor development and overall health and nutrition;

''(vii) changes in the population of children who are eligible to participate in Head Start programs, including the language and cultural background and family structure of such children;

''(viii) mechanisms to ensure that children participating in Head Start programs make a successful transition to the schools that the children will be attending; and

''(ix) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and

''(C)(i) review and revise as necessary the performance standards in effect under this subsection; and

''(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in quality, scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on October 27, 1998.

''(3) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to a delegate agency to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

''(b) MEASURES.—

''(1) IN GENERAL.—The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, shall use the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences to provide guidance to Head Start agencies for utilizing scientifically-based measures that support, as appropriate—

''(A) classroom instructional practices;

''(B) identification of special needs; and

''(C) program evaluation.

''(2) CHARACTERISTICS OF MEASURES.—The measures under this subsection shall

''(A) be developmentally, linguistically, and culturally appropriate for the population served;

''(B) be reviewed not less than every 4 years, based on advances in the science of early childhood development;

''(C) be consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

''(D) be valid and reliable (in English, Spanish, and any other language, as appropriate);

''(E) be administered by staff with appropriate training for such administration;

''(F) provide appropriate accommodations for children with disabilities and children who are limited English proficient; and

''(G) be high-quality research-based measures that have been demonstrated to assist with the purposes for which they were devised.

''(3) USE OF MEASURES; LIMITATIONS ON USE.—

''(A) Measures shall be designed for the purpose of—

''(i) promoting the skills, knowledge, and competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring skills that scientifically-based research has demonstrated are related to children's school readiness and later success in school;

''(ii) improving classroom practices, including reviewing children's strengths and weaknesses;

''(iii) identifying special needs; and

''(iv) improving overall program performance in order to help programs identify problem areas that may require additional training and technical assistance resources.

''(B) Such measures shall not be used to exclude children from Head Start programs.

''(4) SUSPENDED IMPLEMENTATION OF NATIONAL REPORTING SYSTEM.—The Secretary shall—

''(A) suspend implementation and terminate further development and use of the National Reporting System; and

''(B) incorporate, as appropriate, recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences into any assessment used in the Head Start programs, in accordance with paragraphs (2) and (3).

''(5) SPECIAL RULE.—The use of assessment items and data on any assessment authorized under this subchapter by an agent or agents of the Federal Government to provide rewards or sanctions for individual children or teachers is prohibited. The Secretary shall not use the results of a single assessment as the sole or primary method for assessing program effectiveness or making grantee funding determinations at the national, regional, or local level.

''(6) CONFIDENTIALITY.—

''(A) The Secretary, through regulation, shall ensure the confidentiality of any personally identifiable data, information and records collected or maintained by the Secretary and any Head Start agency. Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.

''(B) Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on children participating in measures under this subsection.

''(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

''(1) IN GENERAL.—To determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, financial management, and other requirements and in order to help programs identify areas for improvement and areas of strengths as part of an on-going self-assessment process, the Secretary shall develop and use a risk-based assessment system to conduct the following reviews of Head Start agencies, and of the Head Start programs operated by such agencies:

''(A) A full review of each such agency at least once during each 3-year period.

''(B) A review of each newly designated Head Start agency immediately after the completion of the first year such agency carries out a Head Start program.

''(C) Followup reviews, including unannounced reviews as appropriate, of programs with 1 or more findings of deficiencies not later than 12 months after the date of such finding.

''(D) other reviews, including unannounced site inspections of Head Start centers, as appropriate.

''(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

''(A) are conducted by review teams that—

''(i) include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families; and

''(ii) include, to the maximum extent practicable, current or former employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

''(B) include as part of the reviews of the programs, a review and assessment of program strengths and areas in need of improvement;

''(C) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with limited English proficiency and children of migrant and seasonal farm-working families);

''(D) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C);

''(E) include as part of the review the implementation by qualified individuals with demonstrated reliability, of a valid and reliable research-based observational instrument that assesses classroom quality, including multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement;

''(F) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, and based on a transparent and reliable system of review;

''(G) in the case of Early Head Start programs, are conducted by a review team that includes individuals who are knowledgeable about the development of infants and toddlers; and

''(H) include as part of the review a protocol for fiscal management that shall be used to assess the compliance with program requirements for—

''(i) using federal funds appropriately;

''(ii) using federal funds specifically to purchase property and to compensate personnel;

''(iii) securing and using qualified fiscal officer support; and

''(iv) reporting financial information and implementing appropriate internal controls to safeguard federal funds.

''(3) USE OF REVIEW FINDINGS.—The findings of the review shall, at a minimum—

''(A) be presented to an agency in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

''(B) be used by the Head Start agencies to inform the development and implementation of their plan for training and technical assistance.

''(d) EVALUATIONS AND CORRECTIVE ACTIONS FOR DELEGATE AGENCIES.—

''(1) PROCEDURES.—The Head Start agency shall establish procedures relating to its delegate agencies, including—

''(A) procedures for evaluating delegate agencies;

''(B) procedures for defunding delegate agencies; and

''(C) procedures for appealing a defunding decision relating to a delegate agency.

''(2) EVALUATIONS.—Each Head Start agency—

''(A) shall evaluate its delegate agencies using the procedures established under this section; and

''(B) shall inform the delegate agencies of the deficiencies identified through the evaluation that are required to be corrected.

''(3) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—If the Head Start agency identifies a deficiency of a delegate agency through the evaluation, the Head Start agency may—

''(A) initiate procedures to terminate the designation of the delegate agency unless such agency corrects the deficiency; and

''(B) conduct monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to modify, supersede, or affect the powers, duties, or functions of the Secretary with respect to Head Start agencies or delegate agencies that receive financial assistance under this subchapter.

''(e) CORRECTIVE ACTION; TERMINATION.—

''(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or fails to adequately address the community needs and strategic plan identified in section 640(g)(2)(C), the Secretary shall—

''(A) inform the agency of the deficiencies that shall be corrected;

''(B) with respect to each identified deficiency, require the agency—

''(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

''(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

''(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

''(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

''(2) QUALITY IMPROVEMENT PLAN.—

''(A) AGENCY AND PROGRAM RESPONSIBILITIES.—To retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (excluding an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

''(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the secretary, or in the case of a program, the sponsoring agency, and which shall specify—

''(I) the deficiencies to be corrected;

''(II) the actions to be taken to correct such deficiencies; and

''(III) the timetable for accomplishment of the corrective actions specified; and

''(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 10 months after the date the agency or program obtains approval of its quality improvement plan).

''(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

''(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the Head Start agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

''(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies and programs with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

''(f) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (e), during such fiscal year. Such report shall be made available to all parents with children receiving assistance under this subchapter in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication. Such reports shall contain detailed data on compliance with specific performance standards and measures sufficient to allow individual Head Start agencies to use such data to improve the quality of their program.

''(g) SELF-ASSESSMENTS.—

''(1) IN GENERAL.—Not less frequently than once each program year, with the consultation and participation of policy councils, and as applicable, policy committees, and as appropriate, other community members, each Head Start agency and each delegate agency that receives financial assistance under this subchapter shall conduct a comprehensive self-assessment of its effectiveness and progress in meeting program goals and objectives (including professional development plans) and in implementing and complying with Head Start program performance standards.

''(2) REPORT AND IMPROVEMENT PLANS.—

''(A) REPORT.—An agency conducting a self-assessment shall report the findings of the self-assessment to the relevant policy council, policy committee, governing body, and Secretary. Each self-assessment shall identify areas of strength and weakness.

''(B) IMPROVEMENT PLAN.—The agency shall develop and report to the Secretary an improvement plan approved by the governing body of the agency to strengthen any areas identified in the self-assessment as weaknesses or in need of improvement.

''(3) ONGOING MONITORING.—Each Head Start agency, delegate Head Start agency, and entity that carries out an Early Head Start program a shall establish and implement procedures for the ongoing monitoring of their respective programs, to ensure that the operations of the programs work toward meeting program goals and objectives and Head Start performance standards.

''(h) ENROLLMENT REPORTING REQUIREMENT.—

''(1) Head Start agencies shall report on a regular basis to the Secretary—

''(A) the actual enrollment in such program; and

''(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

''(2) The Secretary shall determine on a regular basis which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment and shall provide appropriate and timely training and technical assistance to increase actual enrollment, as appropriate.

''(3) In this subsection:

''(A) The term 'actual enrollment' means, with respect to a Head Start program, the actual number of children enrolled in such program in a given month.

''(B) The term 'base grant' means, with respect to Head Start agency for a fiscal year, that portion of the grant derived from—

''(i) amounts reserved for use in accordance with section 640(a)(2)(A), for a Head Start agency administering an Indian Head Start program or migrant and seasonal Head Start program;

''(ii) amounts reserved for payments under section 640(a)(2)(B); or

''(iii) amounts available under section 640(a)(2)(D) or allotted among States under section 640(a)(4).

''(C) The term 'funded enrollment' means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant award.

''(i) REDISTRIBUTION OF FUNDS.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant, except when such action is the result of an open competition 641(d)) or termination 646(d) shall be redistributed in such fiscal year as follows:

''(1) If such funds are derived from an Indian Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Indian Head Start programs.

''(2) If such funds are derived from the operation of a migrant and seasonal Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more migrant and seasonal Head Start programs.

''(3) If such funds are derived from the operation of a Head Start program in a State (excluding Indian Head Start program and migrant and seasonal Head Start programs), then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) that are carried out in such State, except that—

''(A) not less than 50 percent of the funds shall be prioritized to increase the program participation of children and families served under Early Head Start; and

''(B) not less than 25 percent of the funds shall be prioritized to increase program participation of underserved populations of eligible children.''.

SEC. 8. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended to read as follows:

''SEC. 642. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

''(a) LEGAL AUTHORITY.—To be designated as a Head Start agency under this subchapter, an agency must have authority under its charter or applicable law to receive and administer funds under this subchapter, funds and contributions from private or local public sources which may be used in support of a Head Start program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit or for-profit agency (as the case may be) organized in accordance with this subchapter, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Head Start program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. The power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

''(b) FAMILY AND COMMUNITY INVOLVEMENT; FAMILY SERVICES.—To be so designated, a Head Start agency shall, at a minimum, do all the following to involve and serve families and communities:

''(1) Establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests.

''(2) Seek the involvement of parents, area residents, and local business in the design and implementation of the program.

''(3) Establish effective procedures to facilitate and seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including a process through which parents of children currently participating in a Head Start program or an Early Head Start program select the parent representatives to serve on the council under section 642(b)(4)(B)(ii).

''(4) Offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training.

''(5) Offer to parents of participating children mental health services (either directly or through referral to local entities), including substance abuse counseling, and including information on maternal depression and on drug-exposed infants and fetal alcohol syndrome.

''(6) At the option of such agency, offer (directly or through referral to local entities) to such parents—

''(A) training in basic child development (including cognitive, social, and emotional development);

''(B) assistance in developing literacy and communication skills;

''(C) opportunities to share experiences with other parents (including parent-mentor relationships);

''(D) mental and behavioral health services;

''(E) regular in-home visitation; or

''(F) any other activity designed to help such parents become full partners in the education of their children.

''(7) Provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in paragraphs (5) through (8) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities).

''(8) Consider providing services to assist younger siblings of children participating in its Head Start program to obtain health, including mental health, services from other sources.

''(9) Perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.

''(10)(A) Inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

''(B) Refer eligible parents to the child support offices of State and local governments.

''(11) Provide parents of limited English proficient children outreach and services under this subchapter, in an understandable and uniform format and, to the extent practicable, in a language that such parents can understand.

''(12) Provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

''(13) Promote the continued involvement of the parents (including grandparents and kinship caregivers, as appropriate) of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall work with the local educational agency—

''(A) to provide training to the parents;

''(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

''(ii) to enable the parents—

''(I) to understand and work with schools in order to communicate with teachers and other school personnel;

''(II) to support the schoolwork of their children; and

''(III) to participate as appropriate in decisions relating to the education of their children; and

''(B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

''(14) Provide parents of a child suspected of having a disability information about services available under section 619 or part C of the Individuals With Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) and refer such child to the appropriate agency for an evaluation of eligibility under such Act.

''(c) PROGRAM GOVERNANCE.—Head Start agencies must establish and maintain a formal structure of shared governance through which an independent governing body with legal and fiscal responsibility for administering and overseeing programs under this subchapter and a parent policy council and parent policy committee, as appropriate, shall ensure that such agency operates a high quality Head Start program in compliance with all applicable Federal, State, and local laws.

''(1) GOVERNING BODY.—

''(A) COMPOSITION.—The governing body shall be composed as follows:

''(i) Not less than 1 member with significant financial management or accounting experience.

''(ii) Not less than 1 member shall have a background and expertise in early childhood development.

''(iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.

''(iv) Additional members shall be selected for their expertise in education, business administration, and community affairs and shall reflect the community served.

''(v) Exceptions shall be made when members of the governing body oversee a public entity and are selected by public election or are political appointments.

''(B) CONFLICT OF INTEREST.—Members of the governing body shall—

''(i) not have a conflict of interest with the Head Start agency or delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed;

''(ii) not receive compensation for the purposes of serving on the governing body or for providing services to the Head Start agency, exceptions shall be made when a board member of a public entity is selected by election or politically appointed;

''(iii) not be employed nor shall members of their immediate family be employed by the Head Start agency or one of its delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed; and

''(iv) operate as an entity independent of staff employed by the Head Start agency entity or applicant, exceptions shall be made when a board member of a public entity is selected by election or politically appointed.

''(C) CONSULTANTS.—In the case that persons described in subparagraph (A) are not available to serve as members, the governing body shall make use of consultants in the areas described in subparagraph (A) to work directly with the governing body.

''(D) TRAINING.—All members of the governing body shall receive training in management responsibilities and obligations, ethics, and financial literacy management.

''(E) RESPONSIBILITIES OF GOVERNING BODY.—The governing body shall be responsible for—

''(i) adoption of practices that assure active, independent and informed governance of the Head Start agency;

''(ii) oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644;

''(iii) establish an audit and finance committee whose primary responsibility shall be—

''(I) to approve annually the operating budget of the Head Start agency;

''(II) to review and recommend to the governing body the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee, except when the auditor is assigned by the State under State law;

''(III) to review and recommend to the governing body the termination or extension of the existing audit firm at least once every 5 years;

''(IV) to review and advise the governing body of the audit management letter provided pursuant to the chapter 75 of title 31, United States Code, and of any audit findings; and

''(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices;

''(iv) approve all major policies of the agency, including the mission of the agency and policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits);

''(v) approve all major financial expenditures of the agency;

''(vi) approve the selection or dismissal of the Head Start Director or the equivalent position within the Head Start agency;

''(vii) approve or disapprove all policies, applications, and decisions of the Policy Council made under the authority of paragraph (2);

''(viii) to oversee the program planning of the Head Start agency, including adoption of policies for setting long- and short-range goals and objectives;

''(ix) oversee and approve the agency's applications to receive funds made available under this subchapter; and

''(x) to establish, adopt and periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—

''(I) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers, employees, consultants and agents who provide services or furnish goods to the Head Start agency; and

''(II) complaints, including investigations, when appropriate.

''(2) POLICY COUNCIL.—

''(A) COMPOSITION.—The Policy Council or Policy Committee, as appropriate, shall be composed as follows:

''(i) Members of the Policy Council shall be either parents of children currently enrolled in the Head Start agency's (or delegate's) Head Start or Early Head Start program or that are parents of children who were enrolled in the program in the previous year (Parent Members) or shall be members of the community served by the Head Start agency or delegate (Community Members).

''(ii) Parent members of the Policy Council shall constitute a majority of the members of the Policy Council and shall be elected by parents of currently enrolled children.

''(iii) Parent members shall represent, proportionately, all program options and settings operated by the Head Start agency or delegate.

''(iv) The term of a Policy Council member shall be no more than 2 years and no Policy Council member shall serve longer than 6 years.

''(B) RESPONSIBILITIES OF POLICY COUNCIL.—In order to be designated as a Head Start agency, an entity or delegate of such an entity shall have a Policy Council which shall approve and submit to the governing body decisions about the following activities:

''(i) The strategic direction of the program, including long and short-term planning goals and objectives (such planning and goals shall take into account the annual community assessment and self-assessment).

''(ii) Selection of delegate agencies and their service areas.

''(iii) Recruitment, selection and enrollment priorities.

''(iv) Funding applications and amendments to funding applications for Head Start or Early Head Start prior to submission of such applications.

''(v) Budget planning for program expenditures.

''(vi) Bylaws for the operation of the Policy Council including procedures by which Policy Council members are chosen.

''(vii) Program personnel policies, including standards of conduct for program staff, contractors and volunteers.

''(viii) Decisions regarding employment of Head Start staff other than the director and executive director.

''(ix) Activities to support the active involvement of parents in supporting program operations.

''(x) Program responsiveness to community and parent needs.

''(C) TRAINING.—Appropriate training and technical assistance shall be provided to the members of the Policy Council to ensure that the members understand the information the members receive and effectively oversee and participate in the programs of the Head Start agency or delegate.

''(3) IMPASSE POLICY.—The Secretary shall develop policies and procedures describing how Head Start agencies will implement shared decision-making, including a process for resolving any impasse between the Governing Body and the Policy Council.

''(d) COLLABORATION AND COORDINATION.—To be so designated, a Head Start agency must collaborate and coordinate with public and private entities to improve the available services to Head Start children and families, including the following activities:

''(1) Conduct outreach to schools in which children participating in Head Start programs enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness.

''(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children, as possible.

''(3) Head Start agency staff shall, with the permission of the parents of children enrolled in Head Start programs, regularly communicate with the elementary schools such children will be attending—

''(A) to share information about such children; and

''(B) to ensure a smooth transition to elementary school for such children.

''(4) Each Head Start agency shall collaborate, as appropriate, with providers of social and community services available to children and families participating in Head Start programs, and may support such partnerships with financial agreements, when applicable, for the provision of such services.

''(5) A Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

''(A) collaborating on the shared use of transportation and facilities;

''(B) collaborating to enhance the efficiency of services while increasing the program participation of underserved populations of eligible children; and

''(C) exchanging information on the provision of noneducational services to such children.

''(6) The Secretary, in consultation with the Secretary of Education, shall—

''(A) evaluate the effectiveness of the projects and activities funded under section 642A;

''(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

''(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.

''(e) QUALITY STANDARDS, CURRICULA AND ASSESSMENT.—To be so designated, each Head Start agency shall—

''(1) take steps to ensure, to the maximum extent possible, that children maintain the developmental and educational gains achieved in Head Start programs and build upon such gains in further schooling;

''(2) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

''(3) implement a research-based early childhood curriculum that promotes young children's school readiness in the areas of language and cognitive development, early reading and premathematics skills, socio-emotional development, physical development, and approaches to learning. Such curricula shall be—

''(A) based on scientifically based research and have standardized training procedures and curriculum materials to support implementation;

''(B) comprehensive, linked to ongoing assessment, with developmental and learning goals and measurable objectives; and focused on improving the learning environment, teaching practices, family involvement, and child outcomes across all areas of development; and

''(C) aligned to the Head Start Child Outcomes Framework developed by the Secretary and to State early learning standards, as appropriate;

''(4) use ongoing, research-based assessment methods that are developmentally appropriate, culturally and linguistically responsive, and tied to children's daily activities in order to support the educational instruction of children in the program, including language skills, prereading knowledge and premathematics knowledge. Assessment instruments shall be those designed and validated for making decisions about teaching and learning and aligned with the programs curricula and section 641A(a)(1);

''(5) use high-quality research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for children from a range of racial, ethnic, linguistic, and cultural backgrounds, for the purpose of meeting the relevant performance standards;

''(6) adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in section 648A(a)(1) and attained a level of literacy appropriate to implement Head Start curricula;

''(7) use the information provided from the assessment conducted under section 640A(C)(2)(H) to adopt a professional development plan that leads to improved teacher effectiveness;

''(8) establish measurable objectives for the provision of health, educational, nutritional, and social services related to the program mission and to school readiness and provided under this subchapter; and

''(9) develop procedures for identifying children as limited English proficient, and inform the parents of such children as to the instructional services used to help children make progress towards acquiring the knowledge and skills described in section 641A(a)(1)(B) and acquisition of the English language.

''(f) FUNDED ENROLLMENT; WAITING LIST.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.

''(g) TECHNICAL ASSISTANCE AND TRAINING PLAN.—In order to receive funds under this subchapter, a Head Start agency shall develop an annual technical assistance and training plan. Such plan shall be based on the agency's self-assessment, the community-wide needs assessment, the needs of parents and children to be serviced by such agency, and the results of the reviews conducted under section 641A(c).

''(h) FINANCIAL MANAGEMENT.—In order to receive funds under this subchapter, a Head Start agency shall document strong fiscal controls, including the employment of well-qualified fiscal staff with a history of successful management of a public or private organization.''.

SEC. 9. HEAD START TRANSITION AND ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended to read as follows:

''SEC. 642A. HEAD START TRANSITION AND ALIGNMENT WITH K-12 EDUCATION.

''Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program to promote continuity of services and effective transitions, including—

''(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

''(2) establishing ongoing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and health staff) to facilitate coordination of programs;

''(3) establish on-going communication for developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;

''(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;

''(5) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

''(6) helping parents of limited English Proficient children understand the method of instruction and other services provided by the school in which such child will enroll after participation in Head Start and as appropriate, information provided to parents of limited English proficient children under section 3302 of title III of the Elementary and Secondary Education Act of 1965 (20U.S.C. 7012);

''(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435);

''(8) assisting families, administrators, and teachers in enhancing educational and developmental continuity and continuity in parental involvement activities between Head Start services and elementary school classes;

''(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;

''(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

''(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

''(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program are aligned with—

''(A) the Head Start Child Outcomes Framework as developed by the Secretary; and

''(B) State early learning standards, as appropriate, with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate.''.

SEC. 10. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

The Head Start Act (42 U.S.C. 9831) is amended by inserting after section 642A the following:

''SEC. 642B. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

''(a) LOCAL INTEGRATION.—In general, Head Start agencies shall enter into ongoing partnerships with local educational agencies and with State-funded preschool and other early childhood programs.

''(1) MEMORANDA OF UNDERSTANDING.—Each Head Start agency shall enter into a memorandum of understanding with any local educational agencies or local councils, responsible for managing publicly funded prekindergarten programs in the service area of the Head Start agency (or if such agencies and such councils are not applicable in the service area, with the largest provider of publicly funded prekindergarten in the service area), that shall include plans to coordinate the following activities:

''(A) Educational activities, curricula, and instruction.

''(B) Public information dissemination and access to programs for families contacting any of the early childhood programs.

''(C) Selection priorities for eligible children to be served by programs.

''(D) Service delivery areas.

''(E) Staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, and social and emotional development.

''(F) Program technical assistance.

''(G) Provision of additional services to meet the needs of working parents.

''(H) Planning and parent education for smooth transitions to kindergarten as required in section 642A(3) and 642A(6).

''(I) Provision and use of facilities, transportation, and other program elements.

''(J) Other elements mutually agreed to by the parties to such memorandum.

''(2) TIMING OF MEMORANDA.—Each Head Start agency shall enter into a memorandum of understanding under paragraph (1) not later than 1 year after the effective date of this section.

''(3) SECRETARIAL REVIEW.—Each memorandum of understanding entered into under paragraph (1) shall be submitted to the Secretary not later than 30 days after entering into such memorandum.

''(A) If a Head Start agency is unable to comply with the requirement in paragraph (1) the Head Start agency shall notify the Secretary and the chief executive officer of the State not later than 30 days after determining that they are unable to enter into such memorandum. The Secretary, in cooperation with the State Early Learning Council and the State Director of Head Start Collaboration, shall evaluate the causes of failure to enter into a memorandum of understanding under paragraph (1). With the assistance of the State Early Learning Council and the State Director of Head Start Collaboration, all parties shall again attempt to enter into a memorandum of understanding under paragraph (1). Then if no such memorandum of understanding is entered into, the Secretary shall make 1 of the following determinations:

''(i) The local educational agency, local council, or other appropriate entity is unable or unwilling to enter into such a memorandum despite reasonable efforts on the part of the Head Start agency.

''(ii) The Head Start agency has not engaged in reasonable efforts to successfully negotiate and enter into a memorandum of understanding pursuant to paragraph (1).

''(iii) There is an absence of publicly funded prekindergarten in the service area of the Head Start agency.

''(B) If the Secretary determines the Head Start agency is not making reasonable efforts to enter into a memorandum of understanding pursuant to paragraph (1), the Head Start agency shall be found to be noncompliant with program performance standards.

''(C) If the Secretary concludes that the local educational agency, local council, or other appropriate entity is not making reasonable efforts to reach such a memorandum of understanding, the Head Start agency shall not be found out of compliance with paragraph (1).

''(4) REVISION OF MEMORANDA.—Each memorandum of understanding shall be revised and renewed annually by the parties to such memorandum, in alignment with the beginning of the school year.

''(5) ABSENCE OF PREKINDERGARTEN.—In the absence of publicly funded prekindergarten in the service area of a Head Start agency, the Head Start agency shall submit notice to the Secretary and the chief executive officer of the State and shall work with the State Early Learning Council and the State Director of Head Start Collaboration to improve coordination in their service area.

''(b) STATE EARLY LEARNING COUNCILS.—From the amounts reserved under section 640(a)(2)(C)(iii), the Secretary shall award, upon submission of a written request and pursuant to the requirements of paragraph (2), an early learning collaboration grant to each State for the purposes of supporting a State Early Learning Council responsible for advancing the development of a coordinated early childhood services delivery system in the State. A State that receives a grant under this subparagraph shall—

''(1) establish a State Early Learning Council, which shall include—

''(A) the State Director of Head Start Collaboration;

''(B) representatives from the State preschool programs;

''(C) representatives of local educational agencies;

''(D) the State official who oversees child care programs;

''(E) the State official who oversees section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

''(F) the State official who oversees the State educational agency;

''(G) representatives from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

''(H) representatives of local child care programs or organizations; and

''(I) a representative of the State agency responsible for health and mental health care;

except that the chief executive officer of the State may designate an existing entity to serve as the Early Learning Council if such entity includes representatives described in this paragraph;

''(2) ensure that allotted funds distributed to a State for a fiscal year to carry out this subsection may be used by the State to pay not more than 50 percent of the cost of carrying out this subsection;

''(3) direct the early learning council to improve the coordination and quality of early childhood services within the State, including—

''(A) to increase coordination and collaboration among State preschool, Head Start programs, child care programs, early childhood special education, and other early childhood programs, including in the areas of outcomes and standards, technical assistance, coordination of services, cross-sector professional development and training, community outreach, communication, and better serving the needs of working families through provision of full-day and full-year early education services;

''(B) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to local Head Start programs, local education agencies, and State and locally funded preschool and child care programs to increase integration among early childhood programs through adoption of local memoranda of understanding described in subparagraph (A) and other means;

''(C) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to develop developmentally appropriate standards for children birth through the early elementary grades to effect a smooth transition to and success in the early elementary grades;

''(D) to develop or conduct periodic Statewide needs assessments concerning early care and education programs for children from birth to school entry;

''(E) to work to identify and address barriers to and opportunities for integration between entities carrying out Federal and State child development, child care, and early childhood education programs;

''(F) to develop recommendations regarding means of establishing a unified data collection system for early care and education programs operating throughout the State;

''(G) to address coordination of early learning programs with health care (including mental and behavioral health care), welfare, family literacy and services for homeless children;

''(H) to support a State system of early childhood education, and training and technical assistance that improves the quality of early learning programs and the capacity of such programs to deliver services pursuant to section 648(b);

''(I) to develop a plan for increasing the participation of children underrepresented in State early childhood education and child care programs, including Head Start, State preschool programs, and programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

''(J) developing a Statewide professional development and career ladder plan for early care and education in the State; and

''(K) assisting 2- and 4-year public and private institutions of higher education to develop articulation agreements concerning degrees in early childhood and related fields.

''(4) Nothing in this subsection shall be construed to provide the Early Learning Council with authority to modify, supersede, or affect the operation of this subchapter.

''(5) Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.''.

SEC. 11. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) STANDARDS.—Each Head Start agency shall observe standards of organization, management, and administration which will ensure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this subchapter and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations

involving the use of authority or funds for which it is responsible.

''(2) ANNUAL REPORT.—Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the then most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child or parent:

''(A) The total amount of public and private funds received and the amount from each source.

''(B) An explanation of budgetary expenditures and proposed budget for the following fiscal year.

''(C) The total number of children and families served and percent of average monthly enrollment, including the percent of eligible children served.

''(D) The results of the most recent review by the Secretary and the financial audit.

''(E) The percentage of enrolled children that received medical and dental exams.

''(F) Information about parent involvement activities.

''(G) The agency's efforts to prepare children for kindergarten.

''(H) Any other information required by the Secretary.

''(3) PROCEDURAL CONDUCT.—Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to—

''(A) establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits;

''(B) assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness;

''(C) guard against personal or financial conflicts of interest; and

''(D) define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.'', and

(2) by amending subsection (f) to read as follows:

''(f) FACILITIES.—

''(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities, or to request approval of the purchase (after December 31, 1986) of facilities, to be used to carry out Head Start programs. The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.

''(2) Financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal and paying interest on loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains—

''(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this subchapter, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;

''(B) a description of the site of the facility proposed to be purchased or that was previously purchased;

''(C) the plans and specifications of such facility;

''(D) information demonstrating that—

''(i) the proposed purchase will result, or the previous purchase has resulted, in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or

''(ii) the lack of alternative facilities will prevent, or would have prevented, the operation of such program;

''(E) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and

''(F) such other information and assurances as the Secretary may require.

''(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility.''.

SEC. 12. PARTICIPATION IN HEAD START PROGRAMS.

Section 645 of the Head Start Act (42 U.S.C. 9840) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1)(B)(i) to read as follows:

''(i) programs assisted under this subchapter may include, to a reasonable extent, participation of children in the area served who would benefit from such programs, including children referred by child welfare services, but whose families do not meet the low-income criteria prescribed pursuant to subparagraph (A) (A homeless child shall be deemed to meet the low-income criteria.); and'', and

(B) by adding at the end the following:

''(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.

''(4)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may use funds under section 640(a) to serve infants and toddlers if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

''(i) the amount of funds under section 640(a) that are proposed to be used in accordance with section 645A(b);

''(ii) a community-wide needs assessment demonstrating how the use of such funds would best meet the needs of the community;

''(iii) a description of how the needs of pregnant women, and of infants and toddlers, will be addressed in accordance with section 645A(b), and with regulations prescribed by the Secretary pursuant to section 641A in areas including the agency's approach to child development and provision of health services, approach to family and community partnerships, and approach to program design and management;

''(iv) a description of how the needs of eligible Head Start children will be met in the community;

''(v) assurances that the agency will participate in technical assistance activities (including a planning period, start-up site visits, and national training activities) in the same manner as recipients of grants under section 645A; and

''(vi) evidence that the agency meets the same eligibility criteria as recipients of grants under section 645A.

''(B) An application that satisfies the requirements specified in subparagraph (A) shall be approved by the Secretary unless the Secretary finds that—

''(i) the agency lacks adequate capacity and capability to carry out an effective Early Head Start program; or

''(ii) the information provided under subparagraph (A) is inadequate.

''(C) Any Head Start agency approved under subparagraph (B) shall be considered to be an entity that receives assistance under section 645A, and such funds under (i) shall be subject to the same rules, regulations, and conditions as apply to recipients of grants under section 645A.

''(5)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may consider children from low-income families to be eligible for participation in programs assisted under this subchapter if their family income is at or above the poverty line but below 130 percent of the poverty line, if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

''(i) a description of how the needs of eligible Head Start children, as described in paragraph (1)(A) are being adequately met in the agency's service area;

''(ii) a description of outreach efforts to the community to reach full enrollment under the eligibility guidelines under paragraph (1), including using outreach efforts that are linguistically and culturally appropriate;

''(iii) assurance that the agency will prioritize serving children currently eligible under the guidelines under paragraph (1); and

''(iv) a description of why increasing the number of infants and toddlers being served, as described in paragraph (4), is not appropriate based upon the communitywide needs assessment or the agency's capability.

''(B) In approving such applications, the Secretary shall take into account the—

''(i) cost of living for families living the area served by the Head Start agency;

''(ii) the efforts the Head Start agency has undertaken to be fully enrolled under the eligibility criteria in paragraph (1); and

''(iii) the policies and procedures the Head Start agency will implement to ensure that children currently eligible under the criteria described under paragraph (1) will be prioritized.

''(C) No more than 20 percent of children served by such Head Start agency may be from families above the poverty line.'',

(2) in subsection (c) by striking ''(age 3 to compulsory school attendance)'', and

(3) in subsection (d) by adding at the end the following:

''(4) Notwithstanding any other provision of this Act, an Indian tribe that operates both a Head Start program and an Early Head Start program under section 645A may, at its discretion, at any time during the grant period involved, reallocate funds between the Head Start program and the Early Head Start program in order to address fluctuations in client population, including pregnant women and children birth to compulsory school age. The reallocation of such funds between programs by an Indian tribe shall not serve as the basis for the Secretary to reduce a base grant (as defined in section 641A(g)(1)) for either program in succeeding years.''.

SEC. 13. EARLY HEAD START PROGRAMS.

Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended to read as follows:

''SEC. 645A. EARLY HEAD START PROGRAMS FOR FAMILIES WITH CHILDREN UNDER 3 YEARS OF AGE.

''(a) IN GENERAL.—The Secretary shall make grants, in accordance with this section for programs (to be known as 'Early Head Start programs') that provide family-centered services for

low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency.

''(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

''(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

''(2) ensure that the level of services provided to families responds to their needs and circumstances;

''(3) promote positive parent-child interactions;

''(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

''(5) coordinate services with services provided by programs in the State (including home-based services) and programs in the community (including programs for infants and toddlers with disabilities and programs for homeless infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services and family support services);

''(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

''(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the program receive such services through such age;

''(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a);

''(9) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program under this section into a Head Start program or other local early childhood education program;

''(10) establish channels of communication between staff of Early Head Start programs under this section and staff of Head Start programs or other local early childhood education programs, to facilitate the coordination of programs; and

''(11) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

''(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a) include—

''(1) pregnant women; and

''(2) families with children under age 3;

who meet the income criteria specified for families in section 645(a)(1).

''(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

''(1) entities operating Head Start programs under this subpart;

''(2) Indian Head Start programs; and

''(3) other public entities, and nonprofit or for-profit private entities, including community-based and faith-based organizations, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

''(e) SELECTION OF GRANT RECIPIENTS.—From the portion specified in section 640(a)(6), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

''(f) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

''(1) ensure an equitable national geographic distribution of the grants; and

''(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

''(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

''(1) REQUIREMENT.—To ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

''(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

''(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

''(B) ACTIVITIES.—Funds in the account may be used by the Secretary for purposes including—

''(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

''(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

''(iii) providing ongoing training and technical assistance for existing recipients (as of the date of such training or assistance) of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants;

''(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience; and

''(v) providing professional development designed to increase program participation for underserved populations of eligible children.

''(h) CENTER-BASED STAFF.—The Secretary shall ensure that, not later than September 30, 2009, all teachers providing direct services to children and families participating in early Head Start programs located in early Head Start centers have a minimum of a child development associate credential, and have been trained (or have equivalent course work) in early childhood development.

''(i) STAFF QUALIFICATIONS AND DEVELOPMENT.—

''(1) HOME VISITOR STAFF STANDARDS.—In order to further enhance the quality of home visiting services provided to families of children participating in home-based, center-based, or combination program options under this subchapter, the Secretary shall establish standards for training, qualifications, and the conduct of home visits for home visitor staff in Early Head Start programs.

''(2) CONTENTS OF STANDARDS.—The standards for training, qualifications, and the conduct of home visits shall include content related to—

''(A) structured child-focused home visiting that promotes parents' ability to support the child's cognitive, social, emotional, and physical development;

''(B) effective strengths-based parent education, including methods to encourage parents as their child's first teachers;

''(C) early childhood development with respect to children from birth through age 3;

''(D) methods to help parents promote emergent literacy in their children from birth through age 3;

''(E) ascertaining what health and developmental services the family receives and working with these providers to eliminate gaps in service by offering annual health, vision, hearing, and developmental screening for children from birth to entry into kindergarten, when needed;

''(F) strategies for helping families coping with crisis; and

''(G) the relationship of health and well-being of pregnant women to prenatal and early child development.''.

SEC. 14. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES.

The Head Start Act (42 U.S.C. 9831) is amended by inserting after section 645A the following:

"SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES.

''(a) DEFINITIONS.—For purposes of this section:

''(1) The term 'health care service' includes—

''(A) any nonemergency intrusive physical examination; and

''(B) any screening, including but not limited to, a medical, dental, developmental, mental health, social, or behavioral screening.

''(2) The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

''(A) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

''(B) includes incision or is otherwise invasive, or includes exposure of private body parts.

''(b) REQUIREMENT.—Before administering any health care service to a child (or referring a child to obtain such service) in connection with participation in a program under this subchapter, a Head Start agency and an entity that receives assistance under section 645A shall obtain the written consent of a parent of such child indicating consent for each specific health care service to be performed.

''(c) RULE OF CONSTRUCTION.—

''(1) Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

''(2) Nothing in this subchapter shall be construed to permit a Head Start agency, an entity that receives assistance under section 645A, or the personnel of such agency or entity to administer any health care service to a child (or to refer a child to obtain such service) without the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

''(3) Nothing in this section shall be construed to require a Head Start agency or an entity that receives assistance under section 645A to provide separate consent forms for each specific health care service.''.

SEC. 15. APPEALS, NOTICE, AND HEARING.

Section 646(a)(3) of the Head Start Act (42 U.S.C. 9841(a)(3)) is amended to read as follows:

''(3) if financial assistance under this subchapter is terminated or reduced, an application for a noncompeting continuation award is denied based on a previous failure to comply with terms applicable to financial assistance previously provided under this subchapter, or suspension of financial assistance is continued for

more than 30 days, the recipient with respect to whom such action is taken shall have the opportunity to appeal such action in accordance with such procedures, except that no funds made available under this subchapter may be used to reimburse any such recipient for legal fees and other costs incurred in pursuing such an appeal; and''.

SEC. 16. RECORDS AND AUDITS.

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

''(c) Each recipient of financial assistance under this subchapter shall—

''(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses);

''(2) within 30 days after the completion of an audit conducted in the manner and to the extent provided in chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act Amendments of 1996'), submit to the Secretary a copy of the audit management letter and of any audit findings as it relates to the Head Start program; and

''(3) provide such additional documentation as the Secretary may require.''.

SEC. 17. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended to read as follows:

''SEC. 648. TECHNICAL ASSISTANCE AND TRAINING.

''(a) The Secretary shall provide, directly or through grants or other arrangements—

''(1) technical assistance to communities in developing, conducting, and administering programs under this subchapter; and

''(2) training for specialized or other personnel needed in connection with Head Start programs, in accordance with the process, and the provisions for allocating resources, set forth in subsections (b) and (c).

''(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

''(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible;

''(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs; and

''(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full calendar year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration.

''(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

''(1) give priority consideration to—

''(A) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

''(B) assisting Head Start agencies in—

''(i) ensuring the school readiness of children; and

''(ii) meeting the educational performance measures described in section 641A(b)(4);

''(2) supplement amounts provided under section 640(a)(3)(C)(ii) in order to address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities), and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

''(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

''(4) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—

''(A) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and

''(B) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in collaboration with such agencies to provide family literacy services;

''(5) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessment, including the needs of homeless children and their families;

''(6) assist Head Start agencies and programs in developing and implementing full-working-day and full-calendar-year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children;

''(7) assist Head Start agencies in better serving the needs of families with very young children;

''(8) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;

''(9) assist in efforts to secure and maintain adequate facilities for Head Start programs;

''(10) assist Head Start agencies in developing innovative program models, including mobile and home-based programs;

''(11) provide support for Head Start agencies (including policy councils and policy committees) that meet the standards described in section 641A(a) but that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), significant programmatic, quality, and fiscal issues to address;

''(12) assist Head Start agencies and programs in increasing program participation of homeless children;

''(13) assist Head Start agencies and Head Start programs in improving outreach to, and the quality of services available to, limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census;

''(14) assist Head Start agencies in developing appropriate methods and approaches for identifying and working with children and families experiencing toxic stress;

''(15) assist programs in improving outreach to serve additional children with disabilities, if such program's enrollment opportunities or funded enrollment for children with disabilities is less than 10 percent; and

''(16) provide assistance to address and remove barriers related to recruitment and retention of Head Start teachers for rural communities, and remove barriers related to outreach efforts to eligible families in rural communities.

''(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children. Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities.

''(e) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to limited English proficient children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, resource access projects for personnel working with disabled children, and training for appropriate personnel to recognize common health, including mental health, problems in children for appropriate referral.

''(f) The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with 1 or more children with disabilities, families with a limited English proficiency, homeless families, and children and families experiencing toxic stress.

''(g) More than 50 percent of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

''(1) Education and early childhood development.

''(2) Child health, nutrition, and safety.

''(3) Family and community partnerships and services.

''(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

''(h) The Secretary shall develop and implement a program of outreach to recruit and train minority men to become Head Start teachers in order to reflect the communities in which Head Start children live and to increase the provision of quality services and instruction to children with diverse backgrounds.

''(i) Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

''(j) Funds made available under section 640(a)(2)(C)(i) shall be used by a Head Start agency for any of the following:

''(1) Activities that ensure that Head Start programs meet or exceed the program performance standards described in section 641A(a)(1).

''(2) Activities that ensure that Head Start programs have adequate numbers of trained, qualified staff who have skills in working with children and families, including children and families who are limited English proficient and children with disabilities.

''(3) Activities to pay expenses, including direct training for expert consultants working with any staff, to improve the management and implementation of Head Start services and systems.

''(4) Activities that help ensure that Head Start programs have qualified staff who can promote language skills and literacy growth of children and who can provide children with a variety of skills that have been identified as predictive of later reading achievement, school success, and the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii).

''(5) Activities to improve staff qualifications and to assist with the implementation of career development programs and to encourage the staff to continually improve their skills and expertise, including developing partnerships with programs that recruit, train, place, and support college students in Head Start centers to deliver an innovative early learning program to preschool children.

''(6) Activities that help local programs ensure that the arrangement, condition, and implementation of the learning environments in Head Start programs are conducive to providing effective program services to children and families.

''(7) Activities to provide training necessary to improve the qualifications of Head Start staff and to support staff training, child counseling, health services, and other services necessary to address the needs of children enrolled in Head Start programs, including children from families in crises, children who experience chronic violence or homelessness, children who experience substance abuse in their families, and children under 3 years of age, where applicable.

''(8) Activities to provide classes or in-service-type programs to improve or enhance parenting skills, job skills, adult and family literacy, including financial literacy, or training to become a classroom aide or bus driver in a Head Start program.

''(9) Additional activities deemed appropriate to the improvement of Head Start agencies' programs, as determined by the agencies' technical assistance and training plans.

''(10) Any other activities regarding the use of funds as determined by the Secretary.

''(k) The Secretary shall—

''(1) work in collaboration with the Head Start agencies that carry out Indian Head Start programs, the Indian Head Start collaboration director, and other appropriate entities, including tribal governments and the National Indian Head Start Directors Association—

''(A) to undertake a study or set of studies designed to focus on the American Indian and Alaska Native Head Start-eligible population, with a focus on issues such as curriculum development, availability and need for services, appropriate research methodologies and measures for these populations, and best practices for teaching and educating American Indian and Alaska Native Head Start Children;

''(B) to accurately determine the number of children nationwide who are eligible to participate in Indian Head Start programs each year;

''(C) to document how many of these children are receiving Head Start services each year;

''(D) to the extent practicable, to ensure that access to Indian Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children; and

''(E) to make the funding decisions required in section 640(a)(2)(A)(iii), after completion of the studies required in that section, taking into account:

''(i) the Federal government's unique trust responsibility to American Indians and Alaska Natives;

''(ii) limitations faced by tribal communities in accessing non-Federal sources of funding to supplement Federal funding for early childhood programs; and

''(iii) other factors that uniquely and adversely impact children in American Indian and Alaska Native communities such as highly elevated poverty, unemployment and violent crime rates, as well as depressed levels of educational achievement and limited access to non-Federal health, social and educational resources;

''(2) in carrying out paragraph (1), consult with the Secretary of Education about the Department of Education's systems for collecting and reporting data about, and maintaining records on, American Indian and Alaska Native students;

''(3) not later than 9 months after the effective date of this subsection, publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before submitting a report to the Congress;

''(4) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, detailing how the Department of Health and Human Services plans to carry out paragraph (1);

''(5) through regulation, ensure the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out Indian Head Start programs, and by State Directors of Head Start Collaboration, by the Indian Head Start Collaboration Project Director and by other appropriate entities pursuant to this subsection (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

''(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

''(l) The Secretary shall—

''(1) in order to increase access to Head Start services for eligible migrant and seasonal children, work in collaboration with migrant and seasonal Head Start providers, the Department of Agriculture (land grant universities), the Department of Labor, the Bureau of Migrant Health, and the Department of Education to—

''(A) establish a system for collecting and reporting data on farm workers and their families in order to adequately account for the number of seasonal and migrant children that are eligible for Head Start and determine how many of these eligible children receive services;

''(B) identify barriers that prevent eligible migrant and seasonal children from accessing Head Start services and develop a plan for eliminating barriers and increasing enrollment; and

''(C) develop a system through which migrant and seasonal Head Start programs can effectively track health records and educational documents as a child moves from state to state;

''(2) not later than 6 months after the effective date of this subsection, publish in the Federal Register a notice on how the Secretary plans to carry out the activities identified in paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before implementing any of the activities identified in paragraph (1);

''(3) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Health, Education, Labor and Pensions Committee of the Senate detailing how the Secretary plans to carry out the activities identified in (1);

''(4) submit a report to Congress annually on the migrant and seasonal Head Start program including a report on the progress made in carrying out the activities identified in paragraph (1), the progress made in reaching out to and serving eligible migrant and seasonal children, and information on states where migrant and seasonal children are still underserved;

''(5) through regulation, ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant and seasonal Head Start programs, by the State director of Head Start Collaboration, by the Migrant and Seasonal Farmworker Collaboration project Director (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

''(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

''(m) For purposes of this section, the term 'eligible entities' means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.

''(n) For the purposes of delivering a State-based training and technical assistance system, as described in section 640(a)(C)(ii), that will meet the needs of local grantees and provide high quality, sustained, and intensive training and technical assistance to Head Start programs in order to help them meet or exceed the program performance standards described in section 641A(a)(1), the Secretary shall—

''(1) enter into contracts in each State with 1 or more entities who have a demonstrated expertise in supporting the delivery of high quality early education programs, except that bi-State contracts may be entered in to if the demographics of proximal States make such a system more appropriate;

''(2) ensure that the entities described in subparagraph (1) determine the types of services to be provided through consultation with—

''(A) local Head Start agencies;

''(B) the State Head Start collaboration office; and

''(C) the State Head Start Association;

''(3) provide a report, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. no later than 90 days after the end of the fiscal year, summarizing the funding for such contracts and the activities carried out thereunder; and

''(4) periodically evaluate the usefulness of the delivery of services in each State and their effectiveness in promoting program quality.

''(o) To support enhanced early language and preliteracy development of children in Head Start programs, and to provide the children with high-quality oral language skills, and environments that are rich in literature, in which to acquire language and preliteracy skills, each Head Start agency shall ensure that—

''(1) all of the agency's Head Start teachers receive ongoing training in language and emergent literacy (referred to in this subsection as 'literacy training'), and including appropriate curricula and assessment to improve instruction and learning;

''(2) such literacy training shall include training in methods to promote vocabulary development and phonological awareness (including phonemic awareness) in a developmentally, culturally, and linguistically appropriate manner and support children's development in their home language;

''(3) the literacy training shall include training in how to work with parents to enhance positive language and early literacy development at home;

''(4) the literacy training shall include specific methods to best address the needs of children who are limited English proficient; and

''(5) the literacy training shall include training on how to best address the language and literacy needs of children with disabilities, including training on how to work with specialists in language development.

''(p) The Secretary is encouraged to contract, on a competitive basis, with an institution of higher education (as defined in section 102 of the Higher Education Act of 1965) to develop an on-line graduate-level professional development program with the goal of improving the leadership of those working in Head Start programs and improving teacher quality and the capacity of effective Head Start teachers.

''(q) INDOOR AIR QUALITY.—The Secretary shall consult with experts on issues of air quality related to children's health and inform Head Start agencies of existing programs or combination of programs that provide methods for improving indoor air quality.

''(r) DEMONSTRATION FOR CAREER LADDER PARTNERSHIPS WITH TRIBAL COLLEGES AND HISPANIC-SERVING INSTITUTIONS.—

''(1) TRIBAL COLLEGE CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to tribal colleges and universities to—

''(A) implement education programs that include education concerning tribal culture and language and increase the number of associate, baccalaureate, and graduate degrees in early childhood and related fields that are earned by Indian Head Start agency staff members, parents of children served by such an agency, and members of the tribal community involved;

''(B) develop and implement the programs under subparagraph (A) in technology-mediated formats, including providing the programs through such means as distance learning and use of advanced technology, as appropriate; and

''(C) provide technology literacy programs for Indian Head Start agency staff members and children and families of children served by such an agency.

''(2) HISPANIC-SERVING INSTITUTIONS CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to Hispanic-serving institutions to—

''(A) provide assistance for stipends and costs related to tuition, fees, and books for enrolling Head Start agency staff members and parents of children served by such an agency in courses required to complete the degree and certification requirements to become bilingual teachers in early childhood education and related fields;

''(B) develop career ladder program curricula to increase the number of associate's, bachelor's, and graduate degrees earned by Head Start agency staff who have the linguistic skills and expertise to teach in programs serving a large number of limited English proficient children and parents of children served by such an agency; and

''(C) other activities to upgrade the skills and qualifications of noncertified educational personnel to meet the professional standards in section 648A(a)(1), including certification and licensure as bilingual education teachers and other educational personnel who serve limited English proficient children.

''(3) REQUIREMENT.—Individuals who receive assistance under paragraphs (1) and (2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of funds.''.

SEC. 18. STAFF QUALIFICATIONS AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' and all that follows through paragraph (2), and inserting the following:

''(a) CLASSROOM TEACHERS.—

''(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

''(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving the readiness of children for school by developing their literacy, phonemic, and print awareness, their understanding and use of language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books, their understanding of early math and early science, their problem solving abilities, and their approaches to learning;

''(B) establishing and maintaining a safe, healthy learning environment;

''(C) supporting the social and emotional development of children; and

''(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

''(2) DEGREE REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2013, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

''(i) a baccalaureate, or advanced degree in early childhood education;

''(ii) a baccalaureate or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

''(iii) except that teachers providing services in migrant and seasonal Head Start classrooms that serve children under age 3 shall be required to meet the teacher requirements described in section 645A(h).

''(B) PROGRESS REPORT.—

''(i) On an annual basis, each Head Start agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development/ early childhood education associate credentials and associate, baccalaureate, or advanced degrees, and number of classroom instructors who successfully transferred associate credit and completed a baccalaureate degree disaggregated by race, ethnicity, and proficiency in a language other than English, with a description of those languages.

''(ii) Not later than September 30, 2008 the Secretary shall compile and transmit reports received under (i) to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(C) PROGRESS.—Each Head Start agency shall provide to the Secretary a report indicating the number and percentage of teachers and teacher's aides with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(D) REQUIREMENT FOR NEW HEAD START TEACHERS.—In accordance with rules issued by the Secretary and made effective 2 years after the effective date of this subparagraph, all Head Start agencies shall require that all Head Start teachers hired after such rules take effect to provide Head Start services in center-based programs—

''(i) have an associate, baccalaureate, or advanced degree in early childhood education or a related field; or

''(ii) be currently enrolled in a program of study leading to an associate degree in early childhood education or a related field, and agree to complete degree requirements not later than 3 years after the date of hire.

''(E) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this subchapter in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.

''(F) LIMITATION.—The Secretary shall require that any Federal funds provided directly or indirectly to comply with subparagraph (A) shall be used toward degrees awarded by an institution of higher education, as defined by sections 101 or 102 of the Higher Education Act (20 U.S.C. 1001, 1002).'', and

(B) in paragraph (3)—

(i) in subparagraph (B) by striking ''or'' at the end,

(ii) in subparagraph (C) by striking the period at the end and inserting ''; or'', and

(iii) by adding at the end, the following:

''(D) a baccalaureate and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.'', and

(2) by amending subsection (c) to read as follows:

''(c) FAMILY SERVICE WORKERS.—To improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—

''(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

''(2) review, and as necessary, revise or develop maximum caseload requirements, as suggested by best practices;

''(3) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

''(4) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide.'', and

(3) is amended by adding at the end the following:

''(f) PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time Head Start employees who provide direct services to children and shall ensure that such plans are regularly evaluated for their impact on teacher and staff effectiveness.''.

SEC. 19. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) by amending subsection (a)(1)(B) to read as follows:

''(B) use the Head Start programs to develop, test, and disseminate new ideas and based on existing scientifically based research, for addressing the needs of low-income preschool children (including children with disabilities, homeless children, children who have been abused or neglected, and children in foster care) and their families and communities (including demonstrations of innovative non-center-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.'',

(2) in subsection (d)—

(A) in paragraph (7) by adding ''and'' at the end,

(B) in paragraph (8) by striking the semicolon at the end and inserting a period,

(C) by striking paragraphs (9) and (10), and

(D) by striking the last sentence,

(3) in subsection (g)—

(A) in paragraph(1)(A)—

(i) by striking clause (i), and

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively, and

(B) by amending paragraph (7)(C) to read as follows:

''(C) TRANSMITTAL OF REPORT TO CONGRESS.—Not later than September 30, 2009, the Secretary shall transmit the final report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.'', and

(4) by amending subsection (h) to read as follows:

''(h) LIMITED ENGLISH PROFICIENT CHILDREN.—

''(1) STUDY.—Not later than 1 year after the date of enactment of the Improving Head Start Act of 2007, the Secretary shall conduct a study on the status of limited English proficient children and their families in participating Head Start programs and Early Head Start programs.

''(2) REPORT.—The Secretary shall prepare and submit to Congress, not later than September 2008, a report containing the results of such study, including information on—

''(A)(i) the demographics of limited English proficient children less than 5 years of age and the geographical distribution of such children; and

''(ii) the number of such children receiving Head Start services and the number of such children receiving Early Head Start services, and the geographical distribution of such children receiving such services;

''(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

''(C) procedures in Head Start programs for assessing language needs and for making the transition of limited English proficient children to kindergarten, including the extent to which Head Start programs meet the requirements of section 642A for limited English proficient children;

''(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;

''(E) the home languages of Head Start and Early Head Start teachers;

''(F) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—

''(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in Head Start programs;

''(ii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and

''(iii) the correlation between such progress and the health and family services provided by Head Start programs to limited English proficient children and their families; and

''(G) the extent to which Head Start programs make use of funds under section 640(a)(3) to improve the quality of Head Start services provided to limited English proficient children and their families.

''(i) CHILDREN, FAMILIES, AND PROGRAMS AFFECTED BY HURRICANES KATRINA AND RITA.—

''(1) PURPOSE.—The purpose of this subsection is to evaluate the status of Head Start and Early Head Start programs affected by Hurricanes Katrina and Rita as well as the challenges those programs have faced in reestablishing themselves and reenrolling eligible children and families, with the ultimate goal of providing all Head Start and Early Head Start programs with recommendations for developing and implementing disaster plans.

''(2) DEFINITION.—The term 'areas affected by Hurricanes Katrina and Rita' means any parish or county for which it was determined that assistance was warranted from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricanes Katrina and Rita.

''(3) STUDY.—The Secretary shall conduct a study on the status of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita.

''(4) REPORT.—Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress a report containing the results of such study, including

''(A) information on the population served, including—

''(i) the number of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita before and after Hurricanes Katrina and Rita;

''(ii) the demographics of such children and families; and

''(iii) the geographical distribution of such children and families;

''(B) information on staff and programs, including—

''(i) the number and geographic distribution of staff serving Head Start and Early Head Start children and families from areas affected by Hurricanes Katrina and Rita;

''(ii) the current status, including employment status and geographic location, of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita prior to Hurricanes Katrina and Rita; and

''(iii) the response and recovery efforts of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita

''(C) information on facilities, including—

''(i) the number of Head Start and Early Head Start facilities operating prior to Hurricanes Katrina and Rita in areas affected by Hurricanes Katrina and Rita;

''(ii) the current status of each such facility; and

''(iii) information on any new Head Start or Early Head Start facility that has opened in areas affected by Hurricanes Katrina and Rita or that serves children and families who lived in areas affected by Hurricanes Katrina and Rita at the time of Hurricanes Katrina and Rita;

''(D) information on coordination with the Federal Emergency Management Agency (FEMA) in areas affected by Hurricanes Katrina and Rita, including—

''(i) areas of success that Head Start agencies and programs had in working with FEMA;

''(ii) challenges that Head Start agencies and programs had in working with FEMA; and

''(iii) the number of Head Start families that received individualized assistance (as defined under the Robert T. Stafford Disaster Relief and Emergency Act) and the types of assistance received by such families.

''(E) challenges that were faced by Head Start and Early Head Start programs and families in areas affected by Hurricanes Katrina and Rita including—

''(i) the availability of Head Start services for families displaced during the period of transition;

''(ii) identification of and outreach to families displaced by the Hurricanes Katrina and Rita; and

''(iii) the extent to which non-Federal disaster assistance was available to Head Start agencies and programs, and coordination of such services with non-Federal disaster assistance resources.

''(5) DISASTER PLAN PREPAREDNESS.—Not later than 1 year after the date of the enactment of Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress, Head Start disaster plan recommendations based upon the report initiated in paragraph (4), including recommendations for prevention, preparedness, response, and recovery, that can be used to advise Head Start and Early Head Start programs in the development and implementation of disaster plans.''.

SEC. 20. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) in subsection (a)—

(A) by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' each place it appears and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'',

(B) by striking ''and non-English language background children'' and inserting ''children, homeless children, children in foster care, and limited English proficient children'', and

(C) in paragraph (8) by inserting ''homelessness, whether the child is in foster care or was referred by a child welfare agency,'' after '' background,'', and

(2) by adding at the end the following:

''(c) SET-ASIDE ACTIVITIES.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report detailing the different amounts of expenditures under section 640(a)(2) and the activities carried out thereunder.

''(d) FISCAL PROTOCOL.—The Secretary shall conduct an annual review to assess whether the design and implementation of the triennial reviews described in section 641A(c) include compliance procedures that provide reasonable assurance that Head Start agencies are complying with applicable fiscal laws and regulations. The Secretary shall report the findings and conclusions of the annual review to the House Committee on Education and Labor, and the Senate Committee on Health, Education, Labor and Pensions within 30 days of completing the review.

''(e) USE OF INDIVIDUALIZED EDUCATION PLANS.—The Secretary shall track the use of Head Start Individualized Education Plans by Head Start agencies in order to evaluate the reasons why Head Start agencies are opting not to use Individualized Education Plans for children with disabilities (as specified in the Individuals With Disabilities Education Act (20 U.S.C. 1414(d)), whether Head Start Individualized Education Plans are used to provide services prior to the development of an Individualized Education Plan, as required under the Individuals With Disabilities Education Act, and the length of time programs use Head Start Individualized Education Plans before an Individualized Education Plan as required under Individuals With Disabilities Education Act is developed. The Secretary shall provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007.

''(f) EVALUATION AND RECOMMENDATIONS REGARDING OBESITY PREVENTION.—The Secretary shall evaluate and publish regulations on the issue of and concerns related to preventing and reducing obesity in children who participate in Head Start programs and shall consult, at a minimum, with experts in child and maternal health, child development, child and family nutrition and physical education, to determine the effective methods by which Head Start agencies can help address childhood obesity. The regulations should include guidance on how Head Start agencies can incorporate, at a minimum, more physical activity and nutrition education into such programs related to preventing and reducing obesity. Not later than 1 year after the effective date of this subsection, the Secretary shall submit to the House Committee on Education and Labor and the Senate Committee on

Health, Education, Labor and Pensions, a report containing such recommendations and the results of such evaluation.''.

SEC. 21. WAGES AND COMPENSATION.

Section 653 of the Head Start Act (42 U.S.C. 9848) is amended to read as follows:

''SEC. 653. WAGES AND COMPENSATION.

''(a) COMPARABILITY OF WAGES.—The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this subchapter shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher; or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938. The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.

''(b) FEDERAL RATE LIMITATION.—Notwithstanding any other provision of law, no Federal funds shall be used to pay all or any part of the compensation of an individual employed by a Head Start agency in carrying out programs under this subchapter, either as direct or indirect costs of any proration thereof, at a rate in excess of the rate then payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.''.

SEC. 22. LIMITATION ON CERTAIN USES OF FUNDS.

The Head Start Act (42 U.S.C. 9858 et seq.) is amended by adding at the end the following:

''SEC. 656A. LIMITATION ON CERTAIN USES OF FUNDS.

''No funds made available to carry out this subchapter may be used—

''(1) for publicity or propaganda purposes not heretofore authorized by the Congress; or

''(2) unless authorized by law in effect on the effective date of this section, to produce any pre-packaged news story intended for broadcast or distribution unless such story includes a clear notification contained within the text or audio of such story stating that the prepackaged news story was prepared or funded by the Department of Health and Human Services.''.

The CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–116. 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 MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–116.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 152, line 23, strike the close quotation and the period at the end.

Page 152, after line 23, insert the following (and make such technical and conforming changes as may be appropriate):

''(s) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HEAD START PARTNERSHIPS.—In order to promote quality services and instruction to children with diverse backgrounds, the Secretary shall work in collaboration with Historically Black Colleges and Universities to—

''(1) implement education programs that include education to increase the number of associate, baccalaureate, and advanced degrees in early childhood education and related fields that are earned by Head Start agency staff members, and parents of children served by such an agency; and

''(2) carry out other activities to upgrade the skills and qualifications of noncertified educational personnel to meet the professional standards in section 648A(a).

Individuals who receive assistance under this paragraph shall subsequently teach in a center-based Head Start program for a period of time equivalent to the period for which they received assistance or shall repay such assistance.''.

The CHAIRMAN. Pursuant to House Resolution 348, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to offer an amendment that will increase the number of highly qualified African American Head Start teachers. Let me hasten to thank the chairman of the committee and the ranking member.

This program has been successful. I am fortunate enough to have what has been labeled as the number one Head Start program in the country in my district, and what I am attempting to do in this amendment is to create partnerships between our Nation's historically black colleges and universities and Head Start.

It does not eliminate anyone else's participation, but we know that by 2013 every Head Start teacher has to have a degree, and it could be parents because one of the secrets to success in these programs is to have lots of involvement of the parents and volunteers in the community.

The partnerships will provide an opportunity for Head Start staff and parents of Head Start students to obtain degrees in early childhood education.

Now, why must it be in a historically black college? Mr. Chairman, that is important because 30 percent of the total number of children in Head Start are African American.

Only 6 percent of our Nation's 3 million teachers are African American and this is far too few, but also the historically black colleges and universities educate more African American teachers than all the other universities put together.

So we would like to make this collaboration so that it can reflect the diversity and the need and encouragement of both the parents and the teachers to work together. They can serve as role models, the teachers who know and understand the students that come from their own communities, and this will not only increase the number of qualified African American Head Start teachers, but it will increase the number of role models for millions of children who are at risk of educational failure.

So, today, only 6 percent of our Nation's 3 million teachers are African American. It is far too small, but this would offer a unique resource and support for those that are seeking a degree which is going to be necessary to maintain these jobs, and it also will offer I think a very positive role model situation in our Head Start program where appropriate.

I would like to move adoption of my amendment.

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

Mr. MCKEON. Mr. Chairman, I rise in support of the gentlewoman's amendment.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I believe that the amendment will improve the underlying bill. Let me just give one example that can come from her amendment.

Delaware State University is an example of a Head Start HBCU partnership that nurtures a continual goal of providing high quality educational experiences to Head Start participants by enhancing the competence of teachers and teachers' aids; improving parental confidence and life management skills to ensure that the work of Head Start is continued in the home; and improving the administrative, managerial and leadership skills of centers directly so the Head Start resources, including personnel, are used as efficiently as possible.

□ 1545

We think that her amendment will further this help, and we think it improves the bill. We would be happy to support the amendment.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I come to the floor this afternoon to thank, first, the chairman of the committee, Mr. GEORGE MILLER of California, for his tireless work in this area, and also the gentlelady from Texas.

Mr. Chairman, I rise in support of H.R. 1429. There is no question, Mr. Chairman, that America needs more minority teachers in Head Start classrooms. I represent the First Congressional District of North Carolina, which is the 15th poorest district in the Nation. I can tell you that Head Start is making a difference in my congressional district.

I encourage the continuation of the program. I urge the adoption of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I rise in strong support of this amendment and urge its adoption. I thank the gentlewoman for offering it.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the Eddie Bernice Johnson Amendment to H.R. 1429, the Improving Head Start Act of 2007. This amendment will encourage partnerships between Head Start and Historically Black Colleges and Universities. The Johnson Amendment will encourage African American students to focus on early childhood education and participate in Head Start. My home is Cleveland, Ohio, and it is one of the poorest cities in the nation, with half of the children living below the poverty line. Head Start provides a vital service to my community, it allows the youngest and most helpless children to have a chance at the developing basic skills so they are not behind when they start attending school. I am so pleased that my colleague from Texas, EDDIE BERNICE JOHNSON has offered this amendment. It will encourage more African American teachers to return to some of the most impoverished communities across this country. They will not only serve as teachers but also as role models land mentors to inspire young children to succeed as they have. I would like to once again Congresswoman JOHNSON for offering this amendment and encourage all of my colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–116.

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

At the end, add the following (and make such technical and conforming changes as may be appropriate):

TITLE II—STATE DEMONSTRATION PROGRAM

SEC. 201. STATE DEMONSTRATION PROGRAM.

The Head Start Act is amended by inserting after section 643 the following new section:

"SEC. 643A. STATE DEMONSTRATION PROGRAM.

''(a) GRANTS.—

''(1) IN GENERAL.—

''(A) ELIGIBLE STATES.—In the case of each eligible State that submits to the Secretary an application that fulfills the requirements of this section, the Secretary, from amounts appropriated under section 639(a), shall make a grant to the State to carry out a State demonstration program under this section, except that the Secretary shall not make such grants to more than 8 eligible States.

''(B) DETERMINATION.—The Secretary shall make awards to those States that demonstrate—

''(i) that the State standards generally meet or exceed the standards that ensure the quality and effectiveness of programs operated by Head Start agencies;

''(ii) the capacity to deliver high quality early childhood education services to prepare children, including low-income children, for school; and

''(iii) success in improving the school readiness of children.

''(2) STATE ELIGIBILITY.—A State shall be eligible to participate in the program under this section if it meets each of the following criteria:

''(A) The State has an existing State supported system providing public prekindergarten to children prior to entry into kindergarten.

''(B) The State has implemented standards as of fiscal year 2007 for school readiness that include standards for language, prereading and premathematics development for prekindergarten that are aligned with State kindergarten through twelfth grade academic content standards and which shall apply to all programs receiving funds under this part or provides an assurance that such standards will be aligned by the end of the second fiscal year of participation.

''(C) State and locally appropriated funds for prekindergarten services and Head Start services in the base year under this section shall not be less than 50 percent of the Federal funds that the grantees in the State received under this Act in the base year for services to Head Start eligible children, excluding amounts for services provided under section 645A.

''(D) The State has established a means for inter-agency coordination and collaboration in the development of the plan under subsection (h).

''(b) LEAD AGENCY.—A program under this section shall be administered by a State governmental entity designated by the Chief Executive Officer of the State as the lead State agency.

''(c) STATE OPERATION OF PROGRAM.—The State may conduct all or any part of the program under this section (including the activities specified in subsection (g)) directly or by grant, contract, or cooperative agreement.

''(d) TRANSITION.—

''(1) IN GENERAL.—For 60 months after the effective date of this section, the State shall continue to provide funds to each local grantee who—

''(A) was receiving funds under this subchapter, as in effect prior to the date of enactment of this section, and

''(B) is serving the geographic area covered by the plan in section 643A(h).''

Such continuing grants shall be made in accordance with the terms of the grant made to the local grantee immediately prior to such date of enactment. This paragraph shall not apply to a grant applicant who has experienced substantial uncorrected deficiencies on Department of Health and Human Services monitoring reports during any year of the most recent 5-year period, or to a grantee that, as determined by the State, does not comply with the State plan described in subsection 643A(h) submitted to the Secretary.

''(e) FEDERAL FINANCIAL ASSISTANCE.—

''(1) ALLOCATION OF FEDERAL ALLOTMENTS TO STATE PROGRAMS.—From each total amount described in paragraph (2) allotted to a State for a fiscal year, the Secretary shall pay to a State with a program approved under this section for such fiscal year an amount equal to—

''(A) if the State program is statewide, 100 percent of such total amount; and

''(B) if the State program is limited to a geographic area or areas, the sum of—

''(i) an amount equal to the amount received by grantees in such geographic area or areas for the Federal fiscal year preceding the first fiscal year of the State program under this section; plus

''(ii) an amount bearing the same ratio to the excess (if any) above the total amount for such preceding fiscal year as the number of children less than 5 years of age from families whose income is below the poverty line in the geographic area or areas included in the program bears to the total number of such children in the State (as determined using the same data used pursuant to section 640(a)(4)(B)).

''(2) FUNDS ALLOCATED.—For purposes of paragraph (1), amounts described in this paragraph are:

''(A) BASIC STATE ALLOTMENTS.—Amounts allotted to States pursuant to section 640(a)(4), including amounts reserved pursuant to section 640(a)(5), excluding amounts for services provided under section 645A.

''(B) STATE ALLOTMENTS OF EXPANSION FUNDS.—Amounts allotted to States pursuant to section 640(a)(3)(D)(i)(I) for program expansion.

''(C) QUALITY IMPROVEMENT FUNDS.—Quality improvement funds (if any) reserved pursuant to section 640(a)(3).

''(D) TRAINING AND TECHNICAL ASSISTANCE FUNDS.—An amount bearing the same ratio to the amount set aside for training and technical assistance activities pursuant to section 640(a)(2)(C)(i) and (ii) as the State's share of amounts allotted under section 640(a)(4)(B) bears to the total amount so allotted (and for purposes of subparagraph (A), such amount shall be considered an amount allotted to the State for the fiscal year).

''(3) NON-FEDERAL MATCH.—(A) In determining the amount of Federal and non-Federal contributions for purposes of this section, the amounts required to be expended by the State under subsection (h)(14)(B) (relating to maintenance of effort) shall be excluded.

''(B) Financial assistance made available to a State under this subchapter shall be in an amount equal to 95 percent of the total amount expended for such programs. The Secretary shall require non-Federal contributions in an amount equal to 5 percent of the total amount expended under this subchapter for such programs.

''(C) Non-Federal contributions may be made in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(4) COMBINED OPERATIONS WITH OTHER EARLY CHILDHOOD EDUCATION PROGRAMS.—A State may combine funds for a program under this section with funds for other early childhood programs serving children in the same age group, as long as all applicable requirements of this subchapter are met with respect to either—

''(A) the entire combined program; or

''(B) each child served in such combined program for whom the services provided are funded from appropriations under this subchapter or non-Federal matching contributions under this subchapter.

''(5) USE OF FUNDS WITHOUT REGARD TO ALLOTMENT PURPOSES.—A State may use funds received pursuant to this section for any program purpose set forth in section 636, without regard to the purposes for such funds specified in section 640.

''(6) OTHER FUNDS.—Funds received under this section shall not supplant any non-Federal, State or local funds that would otherwise be used for activities authorized under

this section or similar activities carried out in the State.

''(f) COORDINATION AND CHOICE.—

''(1) IN GENERAL.—A State demonstration Program shall be coordinated with the education programs of local educational agencies in the State to ensure that the program is effectively designed to develop in children in the program the knowledge and behaviors necessary to transition successfully to kindergarten and to succeed in school.

''(2) PROGRAMS CONCERNED.—

''(A) REQUIRED PROGRAMS.—Such coordination shall occur regarding the implementation of the following:

''(i) The Early Reading First and Even Start programs under title I, part B, subparts 2 and 3 of the Elementary and Secondary Education Act of 1965, and other preschool programs carried out under title I of that Act.

''(ii) State prekindergarten programs.

''(iii) The Ready-to-Learn Television Program under subpart 3 of part D of title II of the Elementary and Secondary Education Act.

''(B) OPTIONAL PROGRAMS.—Such coordination may occur regarding the implementation of the following:

''(i) Programs under the Child Care and Development Block Grant Act.

''(ii) Other publicly funded early childhood education programs.

''(3) PARENTAL CHOICE.—The program shall allow parents to choose the preschool program for their child.

''(g) REQUIRED SERVICES.—With funds under this section, the State shall provide services described in section 641A at least as extensive as were provided, and to at least as many low-income children and families in each fiscal year as were provided such services, with such funds in the base year in the State (or, if applicable, in the geographic area included in the State program). A program under this section shall include the following comprehensive activities designed to promote school readiness and success in school:

''(1) CHILD DEVELOPMENT AND EDUCATION.—Activities with enrolled children that promote—

''(A) cognitive development, language development, prereading, and premathematics knowledge and skills;

''(B) physical development, health, and nutrition (including through coordination with, and referral of children and families to local health service entities; and

''(C) social development important for environments constructive for child development, early learning, and school success.

''(2) PARENT EDUCATION AND INVOLVEMENT.—Activities with the parents of enrolled children directed at enhancing and encouraging—

''(A) involvement in, and ability to support, their children's educational development;

''(B) parenting skills and understanding of child development; and

''(C) ability to participate effectively in decisions relating to the education of their children.

''(3) SOCIAL AND FAMILY SUPPORT SERVICES.—Activities directed at securing appropriate social and family support services for enrolled children and their families, primarily through referral and coordination with local, State, and Federal entities that provide such services.

''(4) HEAD START SERVICES.—For purposes of paragraph (1) Head Start services furnished in a State program under this section shall include all Head Start services, other than—

''(A) Indian Head Start programs and migrant and seasonal Head Start programs supported with funds reserved under section 640(a)(2)(A); and

''(B) Early Head Start services provided under section 645A.

''(h) STATE PLAN.—A State proposing to administer a program under this section shall submit a State plan to the Secretary. The State plan shall include the following:

''(1) LEAD STATE AGENCY.—The plan shall identify the entity designated by the Chief Executive Officer of the State as the lead State agency.

''(2) GEOGRAPHIC AREA.—The plan shall specify whether the program is statewide, and, if it is not, identify the geographic area or areas covered by the plan. A geographic area may be a city, county, standard metropolitan statistical area, or such other geographic area in the State.

''(3) PROGRAM PERIOD.—A State program under this section shall be in effect for 5 Federal fiscal years.

''(4) PROGRAM DESCRIPTION.—The plan shall describe the services under subsection (f) to be provided in the program and arrangements the State proposes to use to provide the services specified in subsection (g), including how the State will leverage existing delivery systems for such services.

''(5) NEEDS ASSESSMENT.—The plan shall describe the results of a State needs assessment and shall provide an assurance that the State will use the results to identify the needs for early childhood education services within a State or geographic area to be served and is targeting services to those areas of greatest need and to expand and improve services to disadvantaged children in the State.

''(6) ASSURANCE OF COMPLIANCE.—The plan shall provide an assurance that the State program will comply with the requirements of this section, including each of the following:

''(A) PRIORITY FOR LOW-INCOME CHILDREN.—Requirements established pursuant to section 645(a) concerning the eligibility and priority of individuals for participation in Head Start programs.

''(B) CONTINUATION FOR EXISTING PROVIDERS.—An applicant who received funds under this subchapter in prior fiscal years and has not corrected any substantial deficiencies identified in the past 5 years shall not be eligible to receive any grants, contract, or cooperative agreements under this section.

''(C) PARTICIPATION OF CHILDREN WITH DISABILITIES.—Requirements pursuant to section 640(d) concerning Head Start enrollment opportunities and services for children with disabilities.

''(D) PROVISIONS CONCERNING FEES AND COPAYMENTS.—The provisions of section 645(b) concerning the charging of fees and the circumstances under which copayments are permissible.

''(E) FEDERAL SHARE; STATE AND LOCAL MATCHING.—The provisions of section 640(b) limiting Federal financial assistance for Head Start programs, and providing for non-Federal contributions.

''(F) ADMINISTRATIVE COSTS.—The provisions of section 644(b) limiting the share of program funds that may be used for developing and administering a program.

''(G) FEDERAL PROPERTY INTEREST.—Applicable provisions of this subchapter regarding the Federal Government interest in property (including real property) purchased, leased, or renovated with Federal funds.

''(7) IDENTIFICATION OF BARRIERS.—The plan shall identify barriers in the State to the effective use of Federal, State, and local public funds, and private funds, for early education and care that are available to the State on the date on which the application is submitted.

''(8) STATE GUIDELINES FOR SCHOOL READINESS.—The plan shall include—

''(A) a State definition of school readiness;

''(B) a description of the State's general goals for school readiness, including how the State intends to—

''(i) promote and maintain ongoing communication and collaboration between providers of early care and education and local educational agencies in the State;

''(ii) align early childhood and kindergarten curricula to ensure program continuity; and

''(iii) ensure that children successfully transition to kindergarten.

''(9) TEACHER QUALIFICATIONS.—The plan shall assure that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C).

''(10) PROFESSIONAL DEVELOPMENT.—The plan shall provide a description of the State plan for assuring the ongoing professional development of early childhood educators and administrators including how the State intends to—

''(A) improve the competencies of early childhood educators in meeting the cognitive and other developmental needs of young children through effective instructional strategies, methods, and skills;

''(B) develop and implement initiatives to effectively recruit and promote the retention of well-qualified early childhood educators;

''(C) encourage institutions of higher education, providers of community-based training, and other qualified providers to develop high-quality programs to prepare students to be early childhood education professionals; and

''(D) improve the quality of professional development available to meet the needs of teachers that serve preschool children.

''(11) QUALITY STANDARDS.—The State shall describe the State's standards, applicable to all agencies, programs, and projects that receive funds under this subchapter, including a description of—

''(A) standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d) of this subchapter, and other services;

''(B)(i) education standards to promote the school readiness of children participating in a State program under title II of this subchapter; and

''(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

''(I) language skills;

''(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

''(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

''(IV) cognitive abilities related to academic achievement;

''(V) social development important for environments constructive for child development, early learning, and school success; and

''(VI) in the case of limited-English proficient children, progress toward acquisition of the English language;

''(C) the State's minimum standards for early childhood teacher credentials and qualifications;

''(D) the student-teacher ratio for each age-group served;

''(E) administrative and financial management standards;

''(F) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

''(G) such other standards as the State finds to be appropriate.

''(12) STATE ACCOUNTABILITY SYSTEM.—

''(A) IN GENERAL.—The State plan shall—

''(i) ensure that individual providers are achieving results in advancing the knowledge and behaviors identified by the State as prerequisites for kindergarten success; and

''(ii) specify the measures the State will use to evaluate the progress toward achieving such results and the effectiveness of the State program under this section, and of individual providers in such program.

''(B) PUBLICATION OF RESULTS.—

''(i) IN GENERAL.—Subject to clause (ii), the results shall be made publicly available in the communities served by the program.

''(ii) CONFIDENTIALITY SAFEGUARDS.—The system shall have in effect privacy safeguards ensuring that information on children included in data and results made public in accordance with clause (i) shall be in aggregated form, and shall not include information allowing identification of individual children.

''(13) TRANSITION PLAN.—The initial State plan shall make provision for transition from the direct Federal program under section 640 to the demonstration program.

''(14) COOPERATION WITH RESEARCH STUDIES.—The plan shall provide assurances that the State will cooperate with research activities described in section 649.

''(15) MAINTENANCE OF EFFORT.—The State plan shall—

''(A) contain a commitment to provide data, at such times and in such format as the Secretary requires, concerning non-Federal expenditures and numbers of children and families served in preschool and Head Start programs during the base year and each fiscal year covered under the State plan, sufficient to satisfy the Secretary that the State program will meet its obligation with respect to the maintenance of effort requirement under subparagraph (B); and

''(B) assure that the resources (which may be cash or in-kind) contributed by the State government to child care for preschool-aged children and other preschool programs, including Head Start, in the State (or, if applicable, in the geographic area included in the State program) for each fiscal year in which the program under this section is in effect shall be in an amount at least equal to the total amount of such State governmental resources contributed to support such programs in the State (or geographic area) for the base year.

''(16) TRAINING AND TECHNICAL ASSISTANCE.—The State plan shall describe the training and technical assistance activities that shall provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction.

''(i) RECORDS, REPORTS AND AUDITS.—The State agency administering the State program, and each entity participating as a Head Start service provider, shall maintain such records, make such reports, and cooperate with such audits as the Secretary may require for oversight of program activities and expenditures.

''(j) INAPPLICABILITY OF PROVISIONS CONCERNING PRIORITY IN AGENCY DESIGNATION.—The provisions of subsections (c) and (d) of section 641 (concerning priority in designation of Head Start agencies, successor agencies, and delegate agencies) shall not apply to a State program under this section.

''(k) CONSULTATION.—A State proposing to administer a program under this section shall submit, with the plan under this section, assurances that the plan was developed through timely and meaningful consultation with appropriate public and private sector entities, including—

''(1) representatives of agencies responsible for administering early education and care programs in the State, including Head Start providers;

''(2) parents;

''(3) the State educational agency and local educational agencies;

''(4) early childhood education professionals;

''(5) kindergarten teachers and teachers in grades 1 through 4;

''(6) child welfare agencies;

''(7) child care resource and referral agencies;

''(8) child care providers; and

''(9) a wide array of persons interested in and involved with early care and early education issues in the State, such as representatives of—

''(A) health care professionals;

''(B) the State agency with responsibility for the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966;

''(C) institutions of higher education;

''(D) community-based and faith-based organizations;

''(E) the business community;

''(F) State legislators and local officials;

''(G) museums and libraries;

''(H) other relevant entities in the State; and

''(I) other agencies that provide resources for young children.

''(l) STATE PLAN SUBMISSION.—An application shall be submitted by a State pursuant to this section to the Secretary, in consultation with the Secretary of Education, and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of a reasonable time beginning on the date on which the Secretary received the application, that the application is not in compliance with this section.

''(m) TREATMENT OF FUNDS.—If a State or local government contributes its own funds to supplement activities carried out under the applicable programs, the State or local government has the option to separate out the Federal funds or commingle them. If the funds are commingled, the provisions of this subchapter shall apply to all of the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

''(n) FEDERAL OVERSIGHT AUTHORITY; CORRECTIVE ACTION; WITHDRAWAL OF APPROVAL.—

''(1) FEDERAL OVERSIGHT.—The Secretary shall retain the authority to oversee the operation of the State program under this section, including through review of records and reports, audits, and onsite inspection of records and facilities and monitoring of program activities and operations.

''(2) CORRECTION OF DEFICIENCIES.—If the Secretary determines that a State program under this section substantially fails to meet the requirements of this section, the Secretary shall notify the State of the deficiencies identified and require corrective action as follows:

''(A) DEFICIENCIES CAUSING IMMEDIATE JEOPARDY.—The Secretary shall require immediate corrective action to eliminate a deficiency that the Secretary finds threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds.

''(B) OTHER DEFICIENCIES.—The Secretary, taking into consideration the nature and magnitude of a deficiency not described in subparagraph (A), and the time reasonably required for correction, may—

''(i) require the State to correct the deficiency within 90 days after notification under this paragraph; or

''(ii) require the State to implement a quality improvement plan designed to correct the deficiency within one year from identification of the deficiency.

''(3) WITHDRAWAL OF APPROVAL.—If the deficiencies identified under paragraph (2) are not corrected by the deadlines established by the Secretary, the Secretary shall initiate proceedings to withdraw approval of the State program under this section.

''(4) PROCEDURAL RIGHTS.—A State subject to adverse action under this subsection shall have the same procedural rights as a Head Start agency subject to adverse action under section 641A.

''(o) INDEPENDENT EVALUATION.—

''(1) IN GENERAL.—The Secretary shall contract with an independent organization outside of the Department to design and conduct a multi-year, rigorous, scientifically valid, quantitative evaluation of the State demonstration program.

''(2) PROCESS.—The Secretary shall award a contract within 180 days of the date of enactment of the Improving Head Start Act of 2007, to an organization that is capable of designing and carrying out an independent evaluation described in this subsection.

''(3) ANALYSIS.—The evaluation shall include an analysis of each State participating in the State demonstration program, including—

''(A) A quantitative description of the State prekindergarten program and Head Start programs within such State, as such programs existed prior to participation in the State demonstration program, including:

''(i) data on the characteristics of the children served, including the overall number and percentages of children served disaggregated by socioeconomic status, race and ethnicity of those served;

''(ii) the quality and characteristics of the services provided to such children; and

''(iii) the education attainment of instructional staff.

''(B) A quantitative and qualitative description of the State program after each year of participation in the State demonstration, which shall include each of the following:

''(i) A description of changes in the administration of the State program, including the Head Start program, within such State.

''(ii) The rate of progress of the State in improving the school readiness of disadvantaged children in the key domains of development.

''(iii) Data as described in subparagraph (A), as updated annually.

''(iv) The extent to which each State has met the goals established by such State with respect to annual goals as described under section 643(h)(10).

''(4) REPORT.—(A) The Secretary shall provide an interim report on the progress of such evaluation and of the progress of States participating in the State demonstration in increasing the availability of high quality prekindergarten services for low-income children not later than October 1, 2010 to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate.

''(B) The Secretary shall provide a final report to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate, not later than October 1, 2011, which shall include an overall evaluation of the State demonstration program, including an assessment of its success in increasing the overall availability of high quality prekindergarten services for

low income children in each of the participating States as compared to a representative sample of non-participating States.

''(p) STATE PARTICIPATION AGREEMENT.—Following the submission of an application fulfilling all requirements of this section, a State that meets all eligibility requirements set forth in section 643A(a)(2) and is selected by the Secretary to participate in the demonstration program under this section shall:

''(1) maintain or increase fiscal year 2007 State funding levels for early childhood education;

''(2) provide an additional contribution of non-federal funds equal to 5 percent of the State's Federal Head Start allotment;

''(3) use Head Start funding only for the purposes of Head Start as described in section 636;

''(4) provide all comprehensive social services currently available to Head Start children, including health and nutrition;

''(5) develop a strategy to maximize parental involvement to enable parents to become full partners in the education of their children;

''(6) demonstrate that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C);

''(7) enforce quality standards for school readiness that are aligned with K–12 educational standards and generally meet or exceed the Federal Head Start performance standards;

''(8) continue funding, for a period of 60 months, all current Head Start grantees as described in section 643A(d);

''(9) provide services described in section 641A that are at least as extensive as were provided, and to at least as many low-income children and families in the State, in each fiscal year as were provided such services in the base year;

''(10) establish a comprehensive collaboration effort to integrate Head Start, state-funded pre-kindergarten programs, Even Start, Title I preschool, and Early Reading First;

''(11) participate in independent evaluations of the demonstration program authorized under this subchapter; and

''(12) submit to Federal oversight by the Secretary.

''(q) DEFINITION.—For purposes of this section, the term 'base year' means the fiscal year 2007.''.

The CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the opportunity to offer this amendment. I would urge my colleagues to support it. This is an amendment of expansion and educational opportunities for our young children.

In 1965, when Head Start was implemented, State-run early childhood development programs didn't exist. Since then, and most recently, and in the past 15 years, States have invested considerable resources into early childhood initiatives. This amendment seeks to provide an incredible opportunity for eight States to participate in a 5-year demonstration program and leverage their resources and experience to improve school readiness.

It would allow eight States to coordinate Head Start and early childhood State-run programs, thus improving coordination, preventing duplication and expanding the number of children that can be served by the early childhood services. To carry it out, safeguards would be put in place. States would have to ensure that participants receive services that are as good or better than those in the Head Start program, including health, nutrition, mental health services on top of the educational services.

Enacting a demonstration program will result in expanding the number of children that can be served, which is not possible in Head Start or just a State-run program alone. This is an innovative program that would help more children in our Nation, and I urge my colleagues to adopt this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, we are here today to authorize the Head Start program. What this amendment would do would simply end Head Start in those eight States as we know it. There would be no requirement that those States would take the money that we have set aside, that we have worked hard to provide within the budget for the Head Start program and use it to implement a program that is anything like Head Start, because there would simply be no requirements on that money to provide the kind of comprehensive programs that are now required under the Head Start program that have demonstrated the success that we just spent an hour with speakers from both sides of the aisle attesting to in their own districts or on a national basis as members of the committee have talked about what we are doing in this reauthorization. These States would be eligible for these funds without demonstrating any expertise or commitment to the high quality of this proven preschool program.

Essentially that's the end of it in those eight States. Now, maybe one of those States will have a strong commitment to Head Start and all the rest of it. That's what Head Start is. That's what Head Start is. Why are we running this money through another filter system to recreate the Head Start program? We already require, and we went through a series of hearings about coordination with the States to make sure that Head Start coordinates with other State programs and State agencies.

But we also know that because of what we have done with Head Start over the years, where we have provided reauthorization after reauthorization, the continuous improvement of the programs that are integral to the success of Head Start and to the success of the children, where we have used scientific-based educational and performance standards, where we have provided for accountability and oversight and evaluation of the program, where we have provided for the parent policy councils, all of these things that have been integral to this program over this time to bring it to a point now where we can see that it demonstrates a marked impact on these young children in closing the achievement gap for these children and getting them ready and the skills that they will need for early reading, for early math, for early writing, that is what this program does.

There are not many States that do any of that. They have a lot of early childhood programs. They have a lot of child care programs, they have a lot of it. But they don't have this comprehensive program. That's why this is considered the premier program in the Nation for the education and the development of these young children. That is why we should not support this block grant amendment.

I daresay that we have watched over the last decades effort after effort be made to block grant programs. Generally, where they have been successful, they have been the first step to the budget cuts, to the loss of quality. That's what's involved here.

Again, when we structured this legislation, and in consideration of the budget and the increases in the money, we are putting 60 percent of the money into quality, into teacher and professional development, into salaries, because we recognize that we have to have that continuous update and that improvement of the Head Start program.

Voting for this amendment is not to vote for Head Start; it's to vote for something, but it's not to vote for Head Start. It's, in fact, detrimental because that money, then, is out of the Head Start system to be used for whatever purposes. In fact, you can take this Federal money and then withdraw the local money. There is no requirement in this amendment that there be a maintenance of effort by a State to do this.

What have you really done? You have taken money for the Federal taxpayers that paid into this program that we have decided on a bipartisan basis should go for the Head Start program. You said, oh, you can give it to a State, and they can draw their money out the bottom. So we put the taxpayers' money in at the top, and the State takes the money out of the bottom.

That is not going to improve quality. That is not going to improve access. Now, you can argue that maybe you can add a lot of children to a program, a program, not the Head Start program, because the Head Start program is expensive because we do it the way we should be doing, the way it has been scientifically analyzed and supported by the data.

You can put a lot of kids in low-quality programs, but that is not what we

are trying to achieve. We are trying to achieve high quality so we get the results that Head Start gets and most other States don't get.

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

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to how much time remains.

The CHAIRMAN. The gentleman from Georgia has 3½ minutes remaining.

Mr. PRICE of Georgia. The gentleman from California?

The CHAIRMAN. The gentleman from California has 30 seconds remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the chairman's passion on this, but his testimony bears little resemblance to reality. I would urge him to read the amendment which states clearly on page 11, ''Head Start services furnished in a State program under this section shall include all Head Start services.''

Mr. Chairman, I yield 1½ minutes to my good friend from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Chairman, I strongly support this amendment. I have a tremendous amount of respect for the chairman of the committee, Mr. MILLER, but I disagree with him on his basic premise here.

I do believe that the Governors of this country, which I had the chance to be one, seems eons ago now, but a few years ago, have a tremendous and strong interest in the children of their States and in the education of those children.

I also believe that in the time since Head Start was created, that many of these Governors have put together prekindergarten, kindergarten, early childhood programs. I think they are ready to move forward with this. I think in many instances they have been competitive with, if not even ahead of, Head Start. We basically backed off from what the White House proposed originally, which is to give all 50 States the option to do this, to a pilot program of eight States.

There are requirements that those eight States match these funds, in fact, put in extra money in order to be able to enter into this program of dealing with the Head Start-type programs. The State demo would be limited to States with a demonstrated investment in early childhood education and established existing preschool system.

You can't just jump into this and take the money or whatever. You have to show you are ready for it, and that you are ready to do it, and you are ready to put the money into it. I believe strongly that those States should be afforded the opportunity. I actually think the competition with some of the Head Start providers would be positive in terms of developing the opportunity for young children.

I would hope that everybody would stop for a moment and take time for a moment to listen to this amendment and the arguments pro and con before votes are cast on it. I believe Mr. PRICE has demonstrated through Georgia, as well as other States, that this is something which could be beneficial to the children, which is really what this is all about, hopefully helping those children in poverty so that they could move ahead.

I hope everybody will support the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I would just say in reading the amendment that States should generally follow the standards. I served in a State legislature for 12 years in appropriations, and I know what license that word ''generally'' gives to a State legislature in a State government. Generally it does not keep these really good high standards that we have worked on for 42 years on in this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say that is exactly the point. Yes, it offers all services, but it doesn't require the same high-quality service we have now. You can do all of these things, but you end up doing these things on the cheap because the demand is for slots. We have seen that tension here all the time.

There are no requirements here that you have anything comparable to the quality and the requirements in the Head Start program, and yet you are you are taking money out of the program to give it for these other purposes.

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

Mr. PRICE of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, before I came to Washington, I served in local government on the school board, on the city council. I have great respect for local leadership. I don't know what we're afraid of.

Sometimes I get the feeling that people here in Washington feel that all wisdom resides within the Beltway. I just think that to give the opportunity to a maximum of eight States to try to expand and bring creativity to a program that's good, to make it better, I think is nothing but a good thing, and it's on the upside.

I commend the gentleman from Georgia (Mr. PRICE) for this amendment. I encourage all to support it.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Georgia has 45 seconds remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the perspective of the other side, but I would suggest, respectfully, that that's an old argument. It's an old argument about a block grant. This is not a block grant. This is a demonstration program that would allow States to serve more children, not fewer children, more, more than is currently possible than just with Head Start or with State-run early childhood development programs.

Economies of scale, it works. Funding levels for Head Start and early childhood services would be protected. Demonstration program States will be able to eliminate overlap, eliminate duplication of services, and participants must have access to services that are as extensive or greater than those found in Head Start. That's what the amendment states.

I urge my colleagues to read the amendment. I appreciate the fact that they have had previous amendments in legislation before them, but I urge them to read this amendment. I think they will find the common-sense aspect of it.

I appreciate the opportunity to offer it, and I urge my colleagues to adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1600

AMENDMENT NO. 3 OFFERED BY MR. SESTAK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–116.

Mr. SESTAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SESTAK:

Page 159, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

''(g) INCENTIVES FOR HEAD START TEACHERS AND EARLY HEAD START TEACHERS.—

''(1) STATEMENT OF PURPOSE.—It is the purpose of this subsection to encourage individuals to begin and continue teaching in Head Start programs and Early Head Start programs.

''(2) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—From the sums appropriated pursuant to paragraph (9), the Secretary of Education, in consultation with the Secretary of Health and Human Services, is authorized carry out a program to forgive, in accordance with this subsection, the student loan debt of any borrower who has one or more loans described under subparagraph (B) made on or after October 1, 1998, and who—

''(i) commits to working as a Head Start teacher or an Early Head Start teacher for at least 3 consecutive complete program years;

''(ii) has a bachelor's degree in a field related to early childhood education; and

''(iii) is not in default on a loan for which the borrower seeks forgiveness.

''(B) METHOD OF LOAN FORGIVENESS.—To provide the loan forgiveness authorized in subparagraph (A), the Secretary of Education, in consultation with the Secretary of

Health and Human Services, shall, subject to subparagraph (C), carry out a program—

''(i) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made under section 428 or 428H of the Higher Education Act of 1965 (20 U.S.C. 1078, 1078–8); and

''(ii) to cancel a qualified loan amount for a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan made under part D of title IV of such Act (20 U.S.C. 1087a et seq.).

''(C) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C or section 455(g) of such Act (20 U.S.C. 1078–3, 1087e(g)) may be a qualified loan amount for the purposes of subparagraph (B) only to the extent that such loan amount was used to repay a loan made under section 428 or 428H, a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan for a borrower who meets the requirements of subparagraph (A), as determined in accordance with regulations prescribed by the Secretary of Education, in consultation with the Secretary of Health and Human Services.

''(3) QUALIFIED LOAN AMOUNT.—After the beginning of the qualifying employment described in paragraph (2)(A)(I) and upon approval of a borrower's application under paragraph (5), the Secretary of Education, in consultation with the Secretary of Health and Human Services, shall forgive under this subsection not more than $10,000 of the student loan obligation of a borrower that is outstanding at the beginning of such employment.

''(4) AWARD BASIS.—Loan forgiveness under this subsection shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(5) APPLICATION FOR FORGIVENESS.—

''(A) IN GENERAL.—Each borrower desiring loan forgiveness under this subsection shall submit a complete and accurate application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary of Education, in consultation with the Secretary of Health and Human Services, may require.

''(B) SERVICE AGREEMENT.—Each such application shall contain an agreement by the borrower—

''(i) to complete the commitment described in paragraph (2)(A)(I) within 6 years after receiving loan forgiveness under this subsection; or

''(ii) to repay the portion required by the regulations under paragraph (6)(A) if the borrower does not complete such commitment.

''(6) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

''(A) IN GENERAL.—In the event that any recipient of loan forgiveness under this subsection fails or refuses to complete a portion of the recipient's service obligation under the agreement required by paragraph (5)(B), the same portion of the amounts of loans forgiven under this subsection for such recipient shall be subject to repayment in accordance with terms and conditions, and in the amounts, specified by the Secretary of Education, in consultation with the Secretary of Health and Human Services, in regulations under this subsection.

''(B) FORGIVENESS IF DECEASED OR DISABLED.—Such regulations shall provide that, subject to the availability of appropriations, an individual shall be excused from repayment of any amount required under paragraph (1) if the individual dies or becomes permanently and totally disabled (as determined in accordance with such regulations).

''(7) REGULATIONS.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, is authorized to issue such regulations as may be necessary to carry out the provisions of this subsection.

''(8) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize any refunding of any repayment of a loan.

''(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2008 and each of the 4 succeeding fiscal years.

''(10) DEFINITIONS.—In this subsection:

''(A) HEAD START TEACHER.—The term 'Head Start teacher' means an individual who—

''(i) is employed by a Head Start agency or an entity that carries out an Early Head Start program, to provide for the education and care of children who have not reached the age of compulsory school attendance who are enrolled in a Head Start program or an Early Head Start program receiving funds under the Head Start Act (42 U.S.C. 9831 et. seq.); and

''(ii) who has, at a minimum, an associate's degree in early childhood education or a related field.

''(B) PROGRAM YEAR.—The term 'program year', where applied to service as a Head Start teacher or an Early Head Start teacher, means a program year as defined by the Secretary of Health and Human Services.''.

The CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

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

Mr. SESTAK. Mr. Chairman, I rise to speak in support of this amendment, to encourage more individuals to become Head Start and Early Head Start teachers, and to provide a way for existing Head Start teachers to improve their skills and education.

This amendment is just building upon the efforts of someone that I have grown to very much respect, Congressman TIERNEY, who has been working on this issue for years.

Specifically, this amendment proposes loan forgiveness of up to $10,000 for Head Start and Early Head Start teachers upon completion of a bachelor's degree, who will commit to working in a Head Start or Early Head Start program for at least 3 consecutive years.

Earlier this spring, I held my district's first education summit, bringing together over 300 educators, experts, and citizens. We discussed the need to provide and retain high quality Head Start teachers, who serve our country's most disadvantaged, low-income children.

Head Start teachers are so critical at the time of a child's cognitive reasoning development, and this amendment recognizes this by ensuring that more than 55,000 Head Start teachers have the means of getting their bachelor's degree by forgiving their student loan burden.

As we call for increased qualifications in the Head Start workforce in H.R. 1429, with 50 percent Head Start teachers nationwide now to hold a bachelor's degree by 2013, we should also provide the means to help them reach this goal. This amendment offers one way of helping current Head Start teachers upgrade their qualifications, as well as to encourage future and current students to enter this important field of teaching.

The rising cost of higher education is a concern for many, and repaying student loans is often too burdensome for these teachers, particularly when one realizes that Head Start teachers' average annual salary is only approximately $24,000 a year, forcing teachers not to go on to receive advanced degrees, or else to leave the profession in order to repay their student loans.

This amendment will help to ensure that we are able to recruit and retain a high quality workforce for our Nation's Head Start programs.

I urge all my colleagues to support this critical amendment to help our children's future.

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

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. KIND). The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, while I support the intent of the amendment, which I think is good and which we included in last year's bill that we passed, the higher ed reauthorization bill, that I think is a better vehicle for this particular amendment.

I would encourage the Member to withdraw it and put this in the higher ed bill when we move later this year to reauthorize that. It fits better there.

We did a study, and we found that most of the education programs don't come under the Department of Education, they come under 39 other bureaucracies throughout this town. And it would be, I think, moving to try to have things more organized. It fits better under the Higher Ed Act, and I would encourage that the gentleman put it under that. Otherwise, I would oppose this amendment.

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

Mr. SESTAK. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of Congressman SESTAK's amendment which flushes out, I think, the direction that this bill is taking, which is to try and improve the quality of teachers by mandating bachelor's degrees and associate's degrees over a very short period of time.

For a lot of the teachers in the Head Start program, though, this still begs the question, which is, how do you pay for it?

Higher education costs have gone up 40 percent over the last 6 years, and unfortunately the prior Congresses took no action to raise the size of Pell Grants. And we have obviously taken

some steps towards reducing the cost of interest rates under the Stafford Student Loan program, but for many teachers, the challenge of paying for higher education costs, in Connecticut the average salary for Head Start teachers is $24,000, and the Sestak amendment goes right to the heart of trying to make this new requirement affordable. I believe it is totally germane and central to the intent of this Head Start reauthorization bill. This amendment belongs there, and I strongly urge the Members to support passage of the Sestak amendment.

I want to thank Congressman SESTAK for offering this important amendment today. It would provide concrete assistance for early childhood educators in Connecticut and around the country to attain their bachelors degree. As you know, the Head Start bill before us increases teacher qualifications—half of teachers nationwide have a BA by 2013 and all new teachers have at least an associate's degree beginning in 2009.

This amendment also provides a strong incentive for students to enter the field and for established early childhood educators to remain in the field. Loan forgiveness of up to $10,000 is contingent upon at least 3 years service in a Head Start facility. Too often, our best and brightest educators are forced out of the profession because the salaries cannot keep up with individual and family economic demands.

In Connecticut, where the median Head Start salary is approximately $24,000, going back to school to attain a higher degree to satisfy the new teacher qualification requirements would be an economic hardship.

While I am pleased to say that Connecticut met the national goal of having at least 50 percent or more of its teachers having an associate's degree in early childhood education by the year 2003, the financial burden to now attain a bachelor's degree will be high.

We all know that college costs are rising and the last thing we want to do is encourage more debt. That is why I am so supportive of this amendment.

The need for committed, enthusiastic, and qualified Head Start teachers is on the rise. In Connecticut, there are more than 25 Centers serving more than 8,000 children. Poverty levels in many parts of the state are rising. Children receive valuable educational enrichment in Head Start programs, ensuring that they are on the path to educational success in elementary school and beyond. We cannot afford to leave children unprepared and we cannot afford to lose our best and talented teachers either.

This amendment provides the incentive to enter or remain in the early childhood education field and I urge my colleagues to support this amendment.

Mr. SESTAK. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we must ensure that every child who could benefit from Head Start is able to enroll in a Head Start center. One way to do that is to provide full funding; another is to provide that we have the facilities we need; and, one of the most important ways is to ensure that we have qualified teachers.

The base bill increases the requests and requirements for teacher qualification, and it supports higher salaries and requires more college degrees. Therefore, including this amendment in the Head Start bill is absolutely appropriate, because this amendment helps Head Start teachers get the degrees that we are demanding that they have. And we do this by offering loan forgiveness to those teachers, teachers who teach in the Head Start programs. Loan forgiveness will help balance out low salaries, and it will assist with teacher retention.

Head Start is about the best thing we can do for our children, because this successful program gives children from all backgrounds a level playing field when they enter elementary school.

Mr. SESTAK. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding.

It has been suggested that we put this in the Higher Education bill, but the Higher Education bill has been kind of stalled. And I always believe you put your cargo on the train that is moving, and this train is moving.

The Senate reported its version out of committee. I think we have a much better chance to get this done if we put it on this bill. This train is moving.

Mr. SESTAK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GARRETT of New Jersey. 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 Pennsylvania will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–116.

Ms. HIRONO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. HIRONO:

Beginning on page 124, strike line 8 and all that follows through line 9 on page 126, and insert the following:

''{g} MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

''(1) REQUIREMENT.—To ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

''(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

''(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent, and not more than 10 percent, shall be reserved to fund a training and technical assistance account. In determining the amount so reserved, the Secretary shall consider the number of new programs serving pregnant women, infants, toddlers, and their families, recognizing their need for more intensive training and technical assistance services during program expansion.

''(B) ACTIVITIES.—Of the funds in the account described in subparagraph (A)

''(I) not less than 50 percent shall be available to local entities that carry out Early Head Start programs for training and technical assistance activities in order to make program improvements identified by such entities;

''(ii) not less than 30 percent shall be available to the Secretary to support a State-based system of early childhood education training and technical assistance to local entities that carry out Early Head Start programs that shall meet the requirements of subparagraph (C), including the creation, management, and support of a national network of the State-based infant-toddler specialists specified in such subparagraph; and

''(iii) the remainder of such amount shall be available to the Secretary to assist local entities that carry out Early Head Start programs in meeting and exceeding the standards described in section 641A(a)(1), including—

''(I) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

''(II) providing ongoing training and technical assistance on Early Head Start program development and improvement for regional staff charged with monitoring and overseeing the administration of the program carried out under this section;

''(III) developing training and technical assistance materials and resources to support program development and improvement and best practices in providing services to children and families served by Early Head Start programs;

''(IV) creating special training and technical assistance initiatives targeted to serving high risk populations, such as children in the child welfare system and homeless children;

''(V) providing ongoing training and technical assistance to Early Head Start grantees, and support and program planning and implementation assistance for new recipients of such grants, including the conversion of Head Start grants to Early Head Start grants; and

''(VI) providing professional development designed to increase program participation for underserved populations of eligible children.

''(C) CONTRACTS.—For the purposes of delivering a State-based training and technical assistance system, as described in subparagraph (B)(ii), that will meet the needs of local grantees and provide high quality, sustained, and intensive training and technical assistance on programming for infants and toddlers to Early Head Start programs and in order to help such programs meet or exceed the program performance standards described in section 641A(a)(1), the Secretary shall—

''(i) enter into contracts in each State with 1 or more entities that have a demonstrated expertise in supporting the delivery of high quality programs for pregnant women and children less that 3 years of age, except that bi-State or multi-State contracts may be entered into if the demographics of proximal

States make such a system more appropriate;

''(ii) ensure that contracts awarded under clause (I) are in an amount sufficient to provide for each state a minimum of one full-time specialist with expertise in the development of children under age three and programming for pregnant women and such children;

''(iii) to the maximum extent practicable, ensure that the contracts awarded Under clause (I) and the services provided therein are integrated with and augment the contract or contracts awarded and services provided under section 648 (n); and

''(iv) ensure that the entities described in clause (I) determine the types of services to be provided through consultation with—

''(I) local entities that carry out Early Head Start programs;

''(II) the State Head Start collaboration office; and

''(III) the State Head Start Association.''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Mr. Chairman, I rise today to ask for my colleagues' support for this amendment, to improve Early Head Start.

The amendment revises the training and technical assistance system by ensuring that these services are provided by entities with specific expertise in infant and toddler development. It also directs at least 50 percent of training and technical assistance funds directly to the grantees. These are the people on the ground working with children who are best able to prioritize their training needs for the purpose of program improvement.

In our hearing on the bill in the Committee on Education and Labor, we heard that Head Start providers are not getting the assistance they need under the current system. One program director said that it had been 10 months since she saw her technical assistance specialist.

The current system centralized control often results in the assistance specialist spending more time filling out forms for their supervisors than directly helping the program directors in the field. The bill we are debating today solves this problem for the Head Start program serving preschoolers by directing the responsibility for training and technical assistance responsibility into the State-based system that can better meet the needs of the local providers.

Early Head Start directors experience similar problems, and, therefore, should get a similar solution. This amendment provides that solution and, furthermore, requires that these State-based technical assistance providers include individuals with infant and toddler expertise available to work with Early Head Start providers.

Rigorous evaluations show that the Early Head Start program has made a positive difference in the lives of participating children and their families. This bill expands the Early Head Start program, which currently serves only 3 percent of eligible infants and toddlers. And as Early Head Start expands, we must ensure that individual programs have the knowledge and skills to provide positive outcomes for participants. This amendment will do that, and I urge all of my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. HIRONO. Mr. Chairman, I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank her very much for introducing this amendment, and we rise in support of this amendment. We think it improves the legislation, and thank her for her consideration.

Ms. HIRONO. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, even though I support the gentlelady's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the gentlelady's amendment, which revises the training and technical assistance program for Early Head Start by ensuring that training and technical assistance are provided by entities with specific expertise in infant and toddler development. I believe that that makes a stronger bill, and I thank her for her amendment.

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

Ms. HIRONO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GARRETT of New Jersey. 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 gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MICA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–116.

Mr. MICA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MICA:

Page 154, line 9, strike ''2013'' and insert ''2011''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, first of all, I want to take a minute to compliment Mr. MILLER and also Mr. MCKEON. This is one of the most important bills that this Congress will take up in this session because it deals with, as Mr. MILLER said, as I listened to his opening statement, with our disadvantaged youth. And, unfortunately, we have many in this country. But it gives those youth the opportunity for the future and the opportunity that we have all shared that are here on this floor and many of us listening Members.

I think the bill is a step in the right direction in requiring that at least 50 percent of all Head Start teachers nationwide have a bachelor's or advanced degree in childhood education or related field by September 30, 2013. My amendment is a simple amendment. It would move up that date 2 years, to 2011.

I am not a newcomer to this debate. I could go back to 1993, when I came here, and give statements from the floor and back over the years. My degree is in education. I am usually here on transportation and enjoy my service on that committee. But as someone educated as an educator, nothing is more important than the quality of education and those professionals that we have.

The Mica amendment moves up the date to have professionals in place to 2011. We can do that. We have done it before. We have actually required qualifications, and now we have more than a majority having an associate degree. So we have done this in the past. Currently, 38 percent of all of our Head Start teachers already meet this goal, so we are only talking about 12 percent in 4 years as opposed to 6 years.

□ 1615

Does it really take 6 years to get an additional 12 percent of the teachers to be in our most important educational program with these qualifications?

Now, we've moved this program from what I called it 14 years ago, from a glorified babysitting program, to a program that is giving our students the opportunity for quality educational opportunity. And these young people, at this age, deserve the very best. They are coming from the very worst, the worst as far as disadvantage in our society, the worst as far as opportunity, as far as family setting, as far as their readiness for school.

Mr. MILLER talked about making them ready for school. Well, do you want them ready with someone who is unqualified or someone with the best qualifications?

Better prepared, Mr. MILLER talked about. We need the most skilled professionals to give them the preparation. And these are our toughest students, the very toughest students. Do you want someone with or without qualifications?

I posed a question, and probably the reason I got this amendment out here to the Rules Committee, which is mostly composed of Democrat Members listening, there are more Head Start programs in Democrat districts than there are in Republican districts, just by the sheer economics of it, the demographics. I said, what if I came with a proposal that said, in kindergarten I'm going to recommend that we only have 50 percent of the teachers having a bachelor's degree in Democrat districts; how would you like that?

Well, this is what's happening here as you're mandating that we have a poorer quality of teachers with quality for another additional 2 years. So I think we can do better.

You heard the $24,000 average pay. That's right. We're going to increase on average a half a billion dollars, from $6.9 billion to $7.4 billion.

In my schools, in closing, there are choices. I won't name the counties, but I have seven teachers in one program with $23,000 average salary. I have nine administrators with salaries from $32,000 to $41,600; another county, 21 teachers, $20,100 average salary, eight administrators with salaries from 31- to $42,000. So it's not always how much we spend, it's how we spend it. And we need to spend it on quality education for these, our most disadvantaged students. So I urge you to consider and pass my amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman and Members of the House, I rise in opposition to this amendment, simply for the simple fact that we are trying to balance, in this legislation, the best we can do to increase the number of teachers with a B.A. degree in child education, child development and at the same time meet the other needs of the program. And to accelerate that effort on behalf of more teachers with an M.A. upsets that balance.

It's not like, with all due respect to my friend on the other side, and he shares my concern for teacher quality, it's what I've spent my public life trying to do. The fact of the matter is this is a program that essentially has received less than the COLA, last year got a 1 percent cut. And the fact of the matter is we're trying to patch it back up, trying to bring it back to the level where it was around 2002, and recognizing that we want to increase the access to a number of children, so money has to go for slots, money has to go for professional development, money has to go for quality, and money has to go for the salaries, and that's the balance that we have put in this program.

The date that you have was the date that you had at the beginning of 2005 when we started considering this legislation. That legislation didn't get through. We're now 2 years later, so we moved it back 2 years so that the programs can balance, can rebuild the quality, can add additional slots for the million children who are now waiting, and that's the balance that we arrived at on both sides of the aisle.

You could offer an amendment and say, well, there's a million children waiting. Let's put all the money into slots. Then you just reduce the quality and the availability to pay teachers to have them to stay.

So this isn't a game where you can just pick out one part of the program and say, let's put the money there, and that's the reason why we did what we did. And I don't think that this amendment is helpful in terms of our ability to hold on to current staff that have B.A.'s, and that's the staff we're trying to build, and then to attract additional ones to be able to put some money into that pay quality, and the additional slots. And I would hope that we would oppose this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I don't question the motives of Mr. MICA, but his amendment would jeopardize program quality by speeding up the deadline for the 50 percent of the Head Start teachers having their bachelor's degrees.

Budgets have really forced Head Start centers to make very difficult, sometime impossible decisions to reduce services or to serve fewer children. And I fear that the Mica amendment would exacerbate the hard choices which Head Start programs have faced over recent years because this Congress has not appropriated the kind of money we need.

The bill that came out of committee, by 42–1, establishes, I think, a rather reasonable and ambitious time line for 50 percent of our Head Start teachers to attain their bachelor's degrees. Under this time line, the bill ensures that Congress can provide the necessary funding to achieve this goal. We have to, as I think we have done in this bill which came out of committee, we have to balance the improvements in the program with the real resources. If we had unlimited resources, we could do all these things. But I think the bill balances the improvements with the resources.

Mr. GEORGE MILLER of California. Mr. Chairman, I urge a ''no'' vote on this amendment and yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MICA. 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 Florida will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. KENNEDY

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–116.

Mr. KENNEDY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KENNEDY:

Page 3, line 2, strike ''(22) and (23)'' and insert ''(23) and (24)''.

Page 3, line 4, strike ''(20)'' and insert ''(21)''.

Page 3, line 6, strike ''(15) through (18)'' and insert ''(16) through (19)''.

Page 3, line 8, strike''(13)'' and insert ''(14)''.

Page 4, line 20, strike the close quotation and the comma at the end.

Page 4, after line 20, insert the following:

''(13) The term 'inclusive classroom' means a Head Start classroom that contains both children with disabilities and children without disabilities.'',

Page 136, line 20, strike ''and'' at the end

Page 136, line 25, strike the period at the end and insert ''; and''.

Page 136 after line 25, insert the following:

''(17) assist Head Start agencies and programs to increase the capacity of classroom staff to meet the needs of eligible children in inclusive classrooms.''.

Page 160, strike lines 6 through 12, and insert the following:

(A) in paragraph (8) by adding ''and'' at the end,

(B) by striking paragraphs (9) and (10) and insert the following:

''(9) contribute to understanding the impact of Head Start services delivered in inclusive classrooms on both children with disabilities and children without disabilities, and develop practices for increasing the availability and quality of inclusive classrooms.''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Rhode Island (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. KENNEDY. Mr. Chairman, I'd first like to thank my colleague, JOHN HALL, for his work on this amendment. He was president of his local board of education and knows this issue inside and out from the local perspective. And his work on this has been absolutely instrumental in its preparation.

I also want to thank Chairman MILLER and Chairman KILDEE, without whom the work of those for whom this amendment is designed to help, the disability community, those children with disabilities, this amendment is designed to supplement.

Frankly, Mr. Chairman, this amendment is really an attempt to just support what is already in this bill in the way of support of inclusive education. What this amendment seeks to do is use those dollars in this bill for teacher education and research, to support the notion that we ought to include children in the classrooms with disabilities

so that we can both better educate those teachers teaching those children with disabilities in how to teach both children with disabilities in integrated classrooms, in inclusive classrooms, as well as learn from their experiences in doing so, both to the benefit of both children in those inclusive classrooms; and use evidence-based research that we know is constantly coming towards us in terms of how to identify children with autism, how to identify children with learning disabilities and use those new findings and be able to employ them to the benefit of these children's growth and their development.

Mr. Chairman, that is why we've introduced this amendment.

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

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition, even though I support the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

I believe that this is an improvement to the bill and will assist Head Start programs which are required to spend 10 percent of their funds on services to disabled students in improving the quality of their programs to serve young children.

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

Mr. KENNEDY. Mr. Chairman, I'd yield 2 minutes to my good friend and colleague from New York, JOHN HALL.

Mr. HALL of New York. Mr. Chairman, I won't need that much time.

Thank you to my colleague from Rhode Island and from the other side of the floor, who just spoke in favor of this amendment. I would like to take a moment to commend all who support this issue.

There are 27 Head Start facilities in my district, and they provide critical services to families that want their children to have every opportunity to grow and succeed. I'm glad that the bill we are considering today will expand access to Head Start and help make sure that America's less well-off children can have a great chance of long-term success when they arrive in our schools.

The amendment will help to meet these goals by providing more support for inclusive education. This is the practice of teaching children with disabilities in the same classrooms as those without disabilities, and it has largely been shown to have a positive effect on the development of those children with disabilities.

The Head Start Act already requires that 10 percent of enrollment slots go to students with disabilities, and the actual number of enrollees is even higher, at about 13 or 14 percent.

Although these classrooms can provide increased educational benefits, they also present teachers and staff with increased demands. Teachers and staff have often been forced to try to handle greater responsibilities without the necessary resources. This amendment would help to bridge that gap by allowing training and technical assistance funds to be spent to enhance the ability of classroom staff to meet the needs of eligible children in inclusive classrooms.

Providing more resources for teacher training and support, this amendment would make great strides in improving the quality of the educational experience for all children in a class.

Another fundamental goal of the Head Start program is to make sure that all children have the best chance of success in school and in life. The second provision of this amendment will help to further serve those goals by working to make sure that the inclusive classroom environment benefits every student, including typically developing children. It would do so by allowing research and evaluation funding to be used in further studying the impact of inclusive classrooms on the educational experience of children with or without disabilities.

I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

Mr. KENNEDY. Mr. Speaker, let me just say, I offer this amendment in honor of my aunt, Eunice Kennedy Shriver, who started the Special Olympics, who has inspired me in this work; and my uncle, Sarge Shriver, who was the first and founding director of Head Start, both individuals who are inspirations to me and to millions in this country.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–116.

Mr. PUTNAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PUTNAM:

Page 37, beginning on line 10, strike ''subsections (a), (b), and (c) of''.

Beginning on page 39, line 21, strike '', except'' and all that follows through line 3 on page 40, and insert as period.

Beginning on page 40, strike line 7 and all that follows through line 10 on page 45, insert the following:

''(c) DESIGNATION ON COMPETITIVE BASIS.—

''(1) SELECTION.—From among entities that submit plans under subsection (b), the Secretary shall, after''.

Beginning on page 52, strike line 20 and all that follows through line 2 on page 53.

Page 53, line 3, strike ''(g)'' and insert ''(d)''.

Page 53, line 7, strike ''(h)'' and insert ''(e)''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Florida (Mr. PUTNAM) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida.

□ 1630

Mr. PUTNAM. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I rise today to urge my colleagues to support a very important amendment to H.R. 1429, and I want to commend Mr. KILDEE, Mr. MILLER, Mr. MCKEON, and the others who have worked so hard on this important bill.

Head Start is a tremendously important program in the early childhood education continuum, but it is also desperately in need of reforms.

As we all know, the purpose of Head Start is to help disadvantaged children be better prepared to enter school. But we are doing those children an enormous disservice and squandering taxpayer dollars if we do not hold the providers of Head Start services to a higher level of accountability. The existing language in 1429 allows for automatic 5-year renewal of applications, automatic renewal, if they simply meet minimum standards to the satisfaction of the review panel. Providers that don't meet the standards must enter into open competition for acceptance of their applications. I would respectfully submit this does not go far enough.

For the sake of ensuring the programs are performing better than minimal or better than good enough and as a safeguard for the taxpayers who foot the bill, I believe we should require that all Head Start providers face open competition. Such competition will encourage a higher level of performance and serve as a check on unscrupulous practices.

Mr. Chairman, I am very familiar, unfortunately, with what can happen when a provider is allowed to skate through without the discipline that comes from competition. In my own district, the Polk County Opportunity Council became a poster child for mismanagement and abuse since its dealings first became public in 2003, which actually had followed a probationary status just several years before. Years of investigation have revealed breathtaking examples of malfeasance and mendacity.

There has been everything from sweetheart deals involving the purchase of office equipment to claims for nonexistent hurricane damages, essentially amounting to insurance fraud. At one point the PCOC even fabricated a false ''certificate of compliance'' from the U.S. Department of Health and Human Services, which it tried to use to short-circuit other investigations of its misdealings. It took 3 years, 3 years, to defund that agency, and the entire appeals process along the way, and this only applies to the Head Start program, the entire appeals process was paid for not by the agency,

not by the grantee, but by the taxpayers. The taxpayers paid the bill for them to appeal mismanaging the taxpayers' dollars. Competition, I believe, an open competition, would go a long way towards solving that problem.

The effect of these abuses not only squandered taxpayer dollars, but it diverted resources from some of the neediest and most deserving members of our community. That is an outrage. We must expect better and we must do better. We cannot allow these types of abuses to become the norm. We should not maintain a system that simply continues the status quo. Let's expect providers of Head Start programs to compete with other potential providers, which, unlike during the creation of Head Start, today there are a number of State and local governments and private entities that can provide that service. Then we will truly be giving these needy children the head start they deserve.

I urge my colleagues to support the amendment.

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

Mr. KILDEE. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KILDEE. Mr. Chairman, the Putnam amendment would jeopardize the seamless services that many high-quality Head Start programs with very deep roots in their communities provide to disadvantaged children. Because the quality of our Head Start programs is critical to ensuring that disadvantaged children receive the benefits of Head Start, this bill, which passed out with only one dissenting vote from committee, implements a new process to recompete underperforming programs. The amendment by Mr. PUTNAM guts the bill's provision to ensure that high-quality Head Start programs do not have to recompete for their grants.

They are reviewed by a panel of experts we put in place to look at them. They are reviewed and have to satisfy that review, but they do not then have to recompete.

The Putnam amendment also eliminates the bill's provisions to ensure a fair and equitable process for recompeting underperforming Head Start programs. And we worked hard to get a fair and equitable process for that.

By striking those provisions, which he does in his amendment, the Department of Health and Human Services is authorized to create its own system for recompetition.

We worked hard with the Head Start community to try to ensure that we would have a panel of experts that would assure that the unperforming programs were really improved or put out of the system but not have the high performing have to go through the recompetition process every 5 years, but be reviewed by the panel of experts.

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

Mr. PUTNAM. Mr. Chairman, I yield 30 seconds to the distinguished ranking member from California.

Mr. MCKEON. I thank the gentleman for yielding.

Mr. Chairman, I think this is a good amendment that Mr. PUTNAM has put forth. I don't think we should fear competition. I think the idea that once a program is granted, it should have lifelong tenure, I think, is something we should avoid. I think competition and accountability is good. Once every 5 years, programs that are good should not fear competing to keep the program for another 5 years. I think it is always good to have somebody coming up behind you that is going to make you do a little bit better.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

Mr. PUTNAM. Mr. Chairman, the amendment provides for competition among agencies that are given millions of dollars to manage programs for our neediest children. And unlike during the creation of the Head Start program, today across America there are thousands of potential providers. School boards are now in the early childhood business. United Way is now in the early childhood business. Local communities are now in the early childhood business, providing tremendous educational opportunities for our neediest young people before they enter kindergarten.

We want them to enter kindergarten ready to learn, and we want to guarantee that the grantees that are managing these precious Head Start dollars are running an adequate, professional, thoughtful program and being good stewards of the people's money. By providing for recompetition every 5 years, we are guaranteeing, as my ranking member friend from California said, that they understand that it is not their birthright to continue that.

I urge my friends to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

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 Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. PORTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–116.

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PORTER:

Page 159, line 12, strike the close quotation and the period at the end.

Page 159, after line 12, insert the following:

''(g) STAFF RECRUITMENT AND SELECTION PROCEDURES.—Before a Head Start agency employs an individual, such agency shall—

''(1) conduct an interview of such individual;

''(2) verify the personal and employment references provided by such individual; and

''(3) obtain—

''(A) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children;

''(B) a State, tribal, or Federal criminal record check as required by the law of the jurisdiction where the grantee provides Head Start services; or

''(C) a criminal record check as otherwise required by Federal law.''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Nevada (Mr. PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

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

It is an honor to be here to talk about something very critical, I think, to our families and communities across the country.

If you recall, last year this body passed historic legislation providing for protection of our children in light of the abuse of our kids throughout schools across the country. We passed legislation to provide for 24 additional States to do background checks on teachers via FBI background and other means through law enforcement. Unfortunately, 24 States were not allowed to, for many different reasons, and that legislation provided for these background checks. Through my amendment that is being proposed today, close to a million kids that are in the Head Start program will have the same tools available to them that we passed just last year to help kids in K–12.

There is one tragic example. There is one grantee in this country that between 2001 and 2005 did not perform background checks on their employees. They finally did background checks. Out of 660 employees, close to 106 had criminal charges against them, including first degree murder, involuntary manslaughter, domestic abuse, assault, child abuse, DUI, and violent crimes.

Mr. Chairman, my language ensures that Head Start programs will have all the databases containing criminal records available to them to make sure that our parents can feel that their most precious resource, their children, will be safe in the Head Start program.

Mr. Chairman, I yield such time as he may consume to Ranking Member MCKEON.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding.

And I have seen the work that he has done over the years in protecting children. I think that children are our most vital asset. And because of the risk out there of the kind of lawbreakers that he mentioned that we could eliminate by having a good, solid

background check, I think this is a tremendous amendment. I think it really strengthens the bill.

I thank the gentleman for his work on behalf of children, and I urge support of the amendment.

Mr. PORTER. Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise to speak in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. Chairman, we support the amendment.

Many of these are included in the regulations, but you would put it in the statute now and expand them, and I think you have done a very good job in your expansion of that.

I commend you for your work on this. I commend you for your concern for children. It is very important. We certainly want to protect our children, and I think this is a very good amendment and we support it.

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

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. PORTER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. CARNAHAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–116.

Mr. CARNAHAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. CARNAHAN:

Page 35, after line 10, insert the following (and make such technical and conforming changes as may be appropriate):

(d) ENROLLMENT.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended by adding at the end the following:

''(5) In the event that the amounts appropriated to carry out the program under this subchapter do not exceed the amount appropriated in the prior fiscal year, or exceed the amount appropriated in the prior fiscal year by an amount equal to less than the percentage change in the Consumer Price Index For All Urban Consumers, as published by the Bureau of Labor Statistics, Head Start grantees may negotiate with the Secretary a reduced funded enrollment level without a reduction in the grant amount if such grantee can demonstrate that such reduction is necessary to maintain the quality of services.

''(A) In accordance with this paragraph, the Secretary shall set up a process for grantees to negotiate the above-mentioned reduced funded enrollment level.

''(B) Under the conditions detailed in this paragraph, the Secretary shall be required to notify grantees of their right to negotiate a reduced funded enrollment level if such grantee can demonstrate that such reduction is necessary to maintain the quality of services.''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Missouri (Mr. CARNAHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

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

I want to really thank Chairman MILLER and Ranking Member MCKEON for their leadership on this bill under consideration today. The Improving Head Start Act of 2007 is a very good bill, and I am pleased to be able to support it and be here today and speak on this amendment.

I want to inquire first, before I got into the text of this, if there are any others that wanted to speak on our side, having just gotten into the Chamber. If not, I will proceed.

I am presenting this amendment to H.R. 1429 based on recommendations I received from my district Head Start leaders to address the goal of maintaining quality in the Head Start program. My amendment would allow for Head Start grantees to negotiate a funded enrollment level with the HHS Secretary if funding for the program does not keep pace with inflation.

Over the past 3 years, Head Start and Early Head Start have experienced an estimated 8 percent real decline, adjusted for inflation, in Federal funding from fiscal year 2002 through fiscal year 2007. If this trend were to continue, the decline in funding would climb to 10 percent for Head Start programs. If President Bush's budget were to become law, the Head Start programs would suffer an 11 percent cut.

This decline in funding has required already efficient Head Start agencies across the country to tighten their belts even more. Sadly, local agencies are now forced to pass these cuts on to quality staff.

□ 1645

By default, agencies are unable to compete for the best and brightest of early childhood educators, thus risking the quality of Head Start programs. Our local agencies are forced to make the worst in managerial choices. As Chairman MILLER and others have pointed out, we must maintain and enhance both funding and quality.

In my congressional district, I am proud to say that the four primary organizations responsible for administering Head Start services have successfully revitalized the program in the city of St. Louis. From 2001 to 2003, the enrolled number of children grew from about 1,000 to a full enrollment of 3,000 children.

Unfortunately, the compensation of St. Louis area Head Start staff has lagged behind the salaries of those in comparable positions. After consulting with some of the brightest business leaders in our area, our local agencies have taken extraordinary steps to conserve costs and maximize efficiencies. Even with these steps, agencies are unable to keep staff compensation in line with inflation increases both in wages and insurance costs.

Programs in St. Louis and across the country are at a serious risk of losing quality staff due to this critical situation. In fact, many of you may have agencies within your districts that have experienced worse cuts across their service lines. They have turned to cutting key staff, reducing the number of weeks they operate in a year, and reducing the number of hours they operate in a day just in order to adjust for financial constraints. We must ensure that the historic quality and strength of Head Start is not placed in jeopardy.

Many of us know the vast evidence demonstrating the profound difference Head Start makes both in the lives of children served and in our local communities. I know that has been talked about at great length here in presenting this bill.

I just want to close and say, I think all of us would agree that Head Start programs should not have the right to request reduced enrollment levels unless they have taken all appropriate steps to achieve efficiency first. I want to clarify that my amendment gives HHS the discretion to determine whether or not individual agencies have explored all possible solutions prior to requesting reduced funded enrollment. The grantee must demonstrate that any reduction in enrollment is necessary to maintain the quality of services.

I appreciate, again, all the efforts on this bill that have brought this forth in a bipartisan way, and appreciate the amendment being considered.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. CARNAHAN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. Chairman, I rise in support of the amendment. This is what agencies have to do when the funding isn't sufficient and they are trying to hold on to the number of children, the hours of availability of the program and the quality of the teachers that are there. In the past when we had the cut, I believe the agency, HHS, allowed some local programs to do this. I would hope that this will not be a necessity. We are adding an additional $400 million to this program. I hope that the Appropriations Committee will be able to follow through.

The amendment is a good amendment. I hope we don't have to use it, but it's a good amendment.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, this amendment allows grantees to negotiate a reduced enrollment level with the Secretary of HHS if the amounts appropriated for Head Start do not exceed the prior year's appropriation or include an increase commensurate with

the cost-of-living allowance. In effect, this amendment allows grantees to cut services for children and kick children out of the Head Start program if Congress does not appropriate ever-higher funding amounts for Head Start.

I think all of us want to service as many children as we can, and we want to have as high an appropriation level as we can, but if we fail to appropriate higher numbers, I don't think we should take it out on the children. I ask my colleagues, is Head Start an early education program or a jobs program?

We believe the purpose of Head Start is to help our Nation's most vulnerable youngsters lay the foundation for a very successful academic future. This misguided amendment has the potential for denying these children Head Start services, and I therefore urge my colleagues to oppose the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. CARNAHAN).

The question was taken; and the Acting Chairman announced that the ayes 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 Missouri will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. CUELLAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–116.

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CUELLAR:
Page 163, after line 3, insert the following (and make such technical and conforming changes as may be appropriate):

''(ii) a description of the type of assessment or assessments used to determine the rate of progress made by limited English proficient children;''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, I rise today to encourage my colleagues to support my amendment to the Improving Head Start Act of 2007.

First of all, I would like to thank Chairman MILLER, Ranking Member MCKEON, Chairman KILDEE and Ranking Member CASTLE for bringing this legislation to the floor.

Ensuring that Head Start continues to serve our communities is important to all of us. This straightforward amendment builds upon the strong foundation of this year's reauthorization. The reauthorization requires the Secretary of Health and Human Services to conduct a study of Head Start students with limited English proficiency.

Studies have proven that the easiest time to learn a new language is when a child is young. With this in mind, early childhood is an important time for students with limited English proficiency to improve their grasp of the English language. Students who are fluent in multiple languages are better positioned to perform well in school.

The legislation requires studies of the progress limited English proficiency students make towards proficiency. The amendment that I offer simply asks that the assessment used to determine progress in the English language skill development be described.

The explanation of what is used is important for a couple of reasons. First, Head Start service providers will become more uniform in their instruction. If a description of assessment is not required, however, there may be a higher likelihood that it will become arbitrary.

Second, educators learn from the practices of their colleagues. By having all Head Start providers describe the assessments they use, meaningful information will be gathered to help educators get ideas and make better informed decisions about their own practices. Enhancing consistency and sharing methods are meaningful ways we can help students with limited English proficiency make the progress that they need to make.

My amendment is supported by the National Council of La Raza, the National Education Association, the Texas Migrant Council and the Texas Head Start Association. I urge my colleagues to support my amendment.

Mr. Chairman, I yield 1 minute to Chairman MILLER, the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman, and I rise in support of his amendment. I think his explanation is correct, that this will provide not only perhaps more uniformity in terms of the assessments, but also communications between programs as to which assessments are really working and which assessments are appropriate for this purpose. I think it is a good amendment, and I would hope that we would accept it. I thank the gentleman for offering it.

Mr. CUELLAR. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition, even though I support the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I rise in support of the amendment. I think it makes the bill stronger. Examining the number of children who are limited in English proficiency and monitoring the progress of these children is important to their mastery of the English language and will help determine future successes for these students in meeting the same challenging State academic content and student academic achievement standards that all children are expected to meet.

I support the amendment, and I encourage our colleagues to support the amendment.

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

Mr. CUELLAR. Mr. Chairman, again, I want to thank Chairman MILLER, Ranking Member MCKEON, Chairman KILDEE and Ranking Member CASTLE for their support. And again, I ask for their support on this amendment and on the reauthorization of the Head Start Act of 2007.

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

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. SHULER

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–116.

Mr. SHULER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SHULER:
Page 2, line 4, insert ''(a) SHORT TITLE.__''.
Page 2, after line 5, insert the following:

(b) SENSE OF THE CONGRESS.—The Congress—

(1) finds that—

(A) while the steady economic growth and low inflation in the United States has yielded unprecedented prosperity, many children and families in this country have not benefited from this prosperity and continue to be socioeconomically disadvantaged,

(B) many community- and faith-based organizations have expertise in moving individuals and families from dependency to self-sufficiency by providing families with the tools and skills they need to participate in the community and contribute to our economy,

(C) the Head Start Act was established to help prepare low-income young children to succeed in school and in life by addressing the needs of the whole child and providing comprehensive services such as health and nutrition,

(D) research confirms that children who attend Head Start programs enter school better prepared than low-income children who do not attend the program, are less likely to need special education services, to repeat a grade, or commit crimes in adolescence, and are more likely to graduate from high school,

(E) community- and faith-based organizations have participated in Head Start programs since the enactment of the Head Start Act in 1965 and continue to serve more than 90,000 children and their families,

(F) parents have an integral role in the development and implementation of Head

Start programs, community- and faith-based providers of Head Start services employ parents and encourage parents to volunteer in the programs because parents are children's most important and influential teachers,

(G) community- and faith-based providers of Head Start services not only serve the needs of low-income children and their families but enrich, strengthen and reflect the diversity of the communities wherein they reside, and

(H) the Head Start Act is a critical component of America's civil rights platform, and community and faith-based organizations have been leaders in the civil rights movement in the United States,

(2) supports the continued role of community and faith-based organizations in Head Start programs as providers of comprehensive services to children, families, and communities, and

(3) extends its gratitude to community- and faith-based organizations that provide Head Start services, and to the employees and volunteers for their commitment to the education, health, and economic well-being of low-income children and families.

Page 52, after line 19, insert the following:

''(3) CONTINUED ELIGIBILITY.—Faith-based and community-based organizations continue to be eligible, on the same basis as other organizations, to participate in any program under this subchapter for which they are otherwise eligible.''.

Page 120, at the end of line 15, add the following:

Faith-based and community-based organizations continue to be eligible, on the same basis as other organizations, to participate in any program under this section for which they are otherwise eligible.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from North Carolina (Mr. SHULER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

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

Mr. Chairman, I am proud to be a product of Head Start. As a young boy, I attended a Head Start program, and that helped make me the man that I am today.

It's time for Congress to recognize that faith communities contribute to Head Start. That's why I am proud to introduce this amendment today, along with Congressman ELLSWORTH, Congressman DONNELLY, Congressman CARNEY and Congressman LOEBSACK.

This amendment thanks the community and faith-based organizations for the good work that they have done running the Head Start programs. It also confirms its right to continue running these programs.

I urge my colleagues to support this amendment.

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

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

Mr. Chairman, let's be very clear at the outset about why this amendment is being considered today: It's all about political cover. It has nothing to do with protecting the civil rights of faith-based providers. If that is what we are out to do today, we would be considering Mr. FORTUÑO's amendment right now. Instead, the majority has brought up a hollow, politically motivated attempt to have it both ways. On one hand, this amendment cheers the work of faith-based providers and recognizes their contributions to our Nation; but on the other hand, it leaves them completely unprotected when it comes to their right to preserve their identity while serving children in Head Start. Frankly, this is insulting to faith-based organizations as it is transparent. Let me elaborate.

With respect to hiring authority, section 702(a) of title VII of the Civil Rights Act of 1964, as amended in 1972, states, ''This subchapter shall not apply to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities.''

Mr. Chairman, does this amendment reaffirm the language from this statute? No, it does not.

Consistent with this language from the Civil Rights Act, former President Clinton signed four laws that explicitly allow religious organizations to retain their right to staff on a religious basis when they receive Federal funds. The 1996 welfare reform law, the Children's Health Act of 2000, the Community Services Block Grant Act of 1998, and the Community Renewal Tax Relief Act of 2000 each contain language that reflects the language offered to the Rules Committee yesterday by Mr. FORTUÑO.

Mr. Chairman, does this amendment reaffirm the language signed into law on four separate occasions by former President Clinton? No, it does not. The FORTUÑO amendment would codify a 2002 executive order protecting the right of a participating faith-based organization to display a cross or other religious symbols on its grounds. Mr. Chairman, does this amendment do the same? No, it does not.

This amendment may have been written in such a way that may run counter to that executive order, potentially endangering rights faith-based providers already enjoy.

In short, Mr. Chairman, in an attempt to play politics, this amendment is, at best, an attempt to provide political cover for Members who do not want to take a real vote on the issue; and at worst, a poorly drafted measure that may end up turning back the clock on the rights of faith-based providers to display religious symbols. Because of that, I urge my colleagues to oppose it.

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

□ 1700

Mr. SHULER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Chairman, we don't need any political cover. We are proud to stand for this amendment. The only political games are those being played by others.

I rise in support of this amendment, recognizing the important role that faith and community-based organizations play in Head Start's continued success. Head Start has been instrumental in advancing the development of comprehensive skills in disadvantaged children during the crucial years before they enter elementary school. Since 1965, Head Start has been a resounding success; in no small part because of faith-based organizations, organizations I support fully.

Since the beginning, community and faith-based organizations have been a part of this program and currently serve more than 90,000 children and their families. Faith-based organizations play a critical role because they are intimately familiar with the community in which they serve and are driven by a moral commitment to our youth.

This amendment reaffirms Congress' strong support for their current and future involvement in Head Start, making clear that regardless of rumors to the contrary, they will remain eligible on the same basis as other organizations to participate in Head Start.

Mr. Chairman, I urge all my colleagues to support this amendment and the passage of H.R. 1429. I am proud to support it and the faith-based organizations that will serve it.

Mr. SHULER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding and for offering this amendment.

It is interesting that the other side would now oppose this amendment, but all day long they have been citing us the executive order with the exact same language in it as the basis for the right of faith-based organizations to participate in this program, a right that they have exercised now for more than 40 years. What your amendment does is to take it from the regulations and put it into the statute to guarantee them that right in the law, not just in the executive order and in the regulations.

In my own district, the First Baptist organization runs the Head Start program. They do a marvelous job. The reason they are kicking up the smokescreen around Mr. SHULER's amendment is that they want to protect themselves, because they are going to come here with an amendment that is going to try to give people the right to discriminate against people based upon their religion, the right to discriminate with Federal dollars on religion.

What Mr. SHULER's amendment does is to make sure that we do not weaken

the ability of faith-based organizations to participate, as they have over their proud history. That is why the broadest array of religious organizations will oppose what is going to be offered in the motion to recommit, but strongly support, strongly support, the Shuler amendment to add this language to the statute to provide this protection and to provide this recognition of the historical service and the ongoing service that these faith communities have provided to the children that are eligible for Head Start to provide that quality education year after year after year after year.

That is what this amendment does. We should welcome it. We should adopt it overwhelmingly in this House and get on with the debate.

Mr. Chairman, I thank the gentleman and his cosponsors for offering this amendment.

Mr. SHULER. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ELLSWORTH).

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 45 seconds.

Mr. ELLSWORTH. Mr. Chairman, I am proud to be a sponsor of this amendment, and I urge my colleagues to support it.

This amendment honors faith-based and community-based organizations that provide essential health services and education to thousands of low-income children each and every day. This program is a perfect example of government and faith-based organizations partnering to provide every child an equal playing field in school and in life, and we must ensure these churches and schools receive the support they need.

This amendment demonstrates our support to the thousands of families across Indiana who depend on Head Start programs run by faith-based and community organizations. These programs are dedicated to ensuring equal opportunities for Hoosier children, and I am proud to support them today on the House floor.

I urge my colleagues to support this amendment and to pass this important bill.

Mr. MCKEON. Mr. Chairman, I would like to read an excerpt from the Family Research Council. ''This bill should help ensure that faith-based organizations with proven records of serving the neediest among us will be allowed the freedom to hire the best staff they see fit, free of burdensome regulation.''

Unfortunately, it does not. If we had been able to discuss the Fortuño amendment today, we would have been able to vote on ensuring what they are asking for here. Later on in the discussion, I will add these letters, along with several others I have in support of the Fortuño amendment and in opposition to this amendment.

Mr. Chairman, with that, I urge my colleagues to defeat this amendment.

Mr. MCKEON. Mr. Chairman, I submit the following letters for the RECORD:

THE CENTER FOR PUBLIC JUSTICE.

April 30, 2007,

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The Coalition to Preserve Religious Freedom, a multi-faith alliance of education, social-service, and religious freedom organizations, asks for your support to make federal social programs fully open to the participation of qualified faith-based organizations. We are concerned that some federal legislation does not adequately invite faith-based participation, while ensuring the religious liberty of beneficiaries. We are also concerned that other federal legislation, such as the Workforce Investment Act and the Head Start Act, has language excluding faith-based organizations that desire to retain their freedom when hiring to take account of the religious convictions of potential employees.

We ask in particular for your support to make the Head Start program hospitable to faith-based organizations when H.R. 1429, the Improving Head Start Act, comes up for floor action.

In the Education and Labor Committee's recent markup of the bill, Resident Commissioner Fortuno's amendment to clarify the eligibility of faith-based organizations to participate in Head Start unfortunately was defeated. The amendment would have added language making it explicit that faith-based organizations are eligible to take part on the same basis as secular organizations, without being required to minimize their religious character. Such language reflects the U.S. Supreme Court's turn in First Amendment interpretation to the equal treatment or neutrality standard.

As part of the confirmation of the equal eligibility of faith-based providers, the amendment provided that religious organizations participating in Head Start would no longer be required to waive their freedom under the 1964 Civil Rights Act to take account of religion when making employment decisions. We understand that some members regard such an affirmation of the Civil Rights Act's standard as introducing pernicious religious job discrimination into the federal early childhood education program. Yet the Civil Rights Act expressly provides that it is not to be regarded as discrimination when a religious organization considers religion when evaluating potential employees.

We believe that the Civil Rights Act got it right on this, just as we believe that political and environmental organizations must be free to assess job candidates on the basis of ideological conviction. We see no reason why religion (or political views or environmental convictions) would suddenly become irrelevant to an organization's internal life and commitments when it agrees to serve its community in a partnership with government. Nor is it unconstitutional for a religious organization that receives government funds to continue to staff on a religious basis. The federal judge in the major 2005 religious staffing case, Lown v. Salvation Army, resoundingly affirmed the contrary.

We respectfully request that you disavow the characterization made by some members of Congress that religious staffing by faith-based organizations is invidious ''Job discrimination.'' ''We request that you support the continuing effort in Congress to remove from federal programs language contradicting the Civil Rights Act's affirmation of the religious staffing freedom. We believe that programs such as Head Start and the Workforce Investment Act should be brought into line with the large majority of federal programs that do not restrict religious staffing by faith-based organizations that desire to collaborate with the government to provide assistance.

Thank you.

Sincerely,

STANLEY W. CARLSON-THIES,
The Center for Public Justice.

On behalf of the Coalition to Preserve Religious Freedom and the undersigned organizations:

Organizations are listed for identification purposes only.

Dr. Robert C. Andringa, President Emeritus, Council for Christian Colleges and Universities.

Anne R. Apodaca, Executive Director, New Mexico Community FaithLinks.

Dr. Art Ayris, President, The Florida Bridge.

Greg Baylor, Director, Center for Law and Religious Freedom, Christian Legal Society.

Richard Cizik, Vice President for Governmental Affairs, National Association of Evangelicals.

Rabbi Abba Cohen, Director and Counsel, Washington Office, Agudath Israel of America.

Paul Corts, President, Council for Christian Colleges and Universities.

Lisa Cummins, Center for New Communities.

Rimmer DeVries, Camano Island, Washington.

Nathan Diament, Union of Orthodox Jewish Congregations of America.

Barrett Duke, Ph.D., Vice President for Public Policy and Research, Southern Baptist Ethics & Religious Liberty Commission.

Mark L. Earley, President, Prison Fellowship Ministries.

Rev. Bill Emery, Director, Virginia Roundtable.

Dr. Bernard Fryshman, President, Association of Advanced Rabbinical and Talmudic Schools, New York, New York.

Mr. Israel Gaither, National Commander, The Salvation Army, United States.

Walter Gilbert, CEO, Open Door Adoption Agency, Inc., Thomasville, GA.

Dennis Griffith, Executive Director, Teen Challenge of Southern California.

Rev. John Hughes, Metro United Methodist Urban Ministries, San Diego, CA.

Andrea Lafferty, Executive Director, Traditional Values Coalition.

Donna Long, President, The National Bridge Alliance.

John Long, President, The Georgia Bridge.

Rev. Paul Lundberg, Atwater Baptist Church, Atwater, CA.

Dr. Larry Martin, President, Kentucky Compassion Bridge.

Freddie John Martin, Teltech Development Consulting Corporation, Silver Spring, Maryland.

Tom McClusky, Vice-President for Government Affairs, Family Research Council.

Ellen McKinley, Child Development Education Alliance, Orange Park, FL.

Stephen Monsma, The Henry Institute for the Study of Christianity and Politics, Calvin College, Grand Rapids, MI.

Rev. James Ortiz, Senior Pastor, President, My Friend's House, Assembly of God, Inc., Metro Impact Ministries. Inc., Whittier Area Evangelical Ministerial Alliance, Whittier, California.

Rev. Carl Rehling, Diocesan Liaison for Justice and Peace, Episcopal Diocese of Maryland.

Shari Rendall, Director of Legislation and Policy, Concerned Women for America.

Amy L. Sherman, Director, Sagamore Institute Center on Faith in Communities, Charlottesville, VA.

Dr. Ronald J. Sider, Evangelicals for Social Action, Wynnewood, PA.

Dr. James W. Skillen, Center for Public Justice.

Taylor Smith, Jr., Vice President of Executive Support, Association of Christian Schools International.

Dr. Robert Vickers, President, Artful Askers, The Missouri Bridge.

David Winter, Chancellor, Westmont College, Santa Barbara, CA.

Karen M. Woods, Executive Director, Empowerment Resource Network.

Terrence Woodnorth, Endicott, NY.

Robert L. Woodson, Sr., Center for Neighborhood Enterprise.

Dr. Carl Zylstra, President, Dordt College, Sioux Center, Iowa.

ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, OFFICE OF GOVERNMENT AFFAIRS,

Silver Springs, MD, April 23, 2007.

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

Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER:

The Association of Christian Schools International (ACSI), which has member schools and preschools in every state, applauds the strong bipartisan vote by the U.S. House Education and Labor Committee that recently advanced the Improving Head Start Act (H.R. 1429). We know that this measure aims to strengthen the Head Start early childhood education program's teacher and classroom quality, boost coordination between Head Start and state and local early childhood programs, and increase Head Start's financial accountability. H.R. 1429 was introduced by a bipartisan group of Members, led by the Subcommittee on Early Childhood, Elementary, and Secondary Education's Chairman and Ranking Republican Member, Rep. Dale Kildee and Rep. Mike Castle. The undersigned commend these efforts.

We do have a major concern which we hope will be corrected before H.R. 1429 is voted upon and sent over to the U. S. Senate. During consideration of the Improving Head Start Act, the panel's majority chose to turn back an amendment offered by Committee Member Luis Fortuño (PR) to protect the civil liberties of faith-based providers by clarifying that these institutions are not required to relinquish their Title VII Civil Rights Act-hiring protections when they participate in the federal Head Start program. The existing and historic civil rights law explicitly protects the rights of religious organizations to take religion into account in their hiring practices, and former President Bill Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive federal funds. The Fortuño amendment also ensures that religious organizations would not be forced to remove art, icons, scripture, or other symbols in order to receive federal Head Start funds—which paralleled President Clinton's efforts [See 42 USC section 604a(d)(2)].

Faith-based groups should not be forced to give up their religious uniqueness because they want to assist the poor and hurting of their community. The faith and values that motivate these Americans to serve others should not be held against them. ACSI, with its many early education members, would like to cooperate with Head Start at the local level, but cannot because of this inappropriate Federal religious discrimination. We are hopeful that the House will have an opportunity to consider this important issue again when the Head Start bill comes to the House floor. The working-poor families who depend on Head Start services are counting on Congress to protect the Constitutional rights of both the secular and religious organizations that provide an ''educational jump-start'' for their children.

We commend HE&L Committee Member Luis Fortuño of Puerto Rico for his forthright stand that defends religious entities and their Constitutional right to be faithful to their religious beliefs, including the people they choose to hire. We are contacting many Members of both parties, asking them to protect and defend religious hiring rights of faith-based entities. And finally, ACSI and the two dozen groups or individuals who have signed this letter will do all that we can to protect potential Head Start programs that could be led by multi-faith-based groups in needy areas, but cannot because of the chilling effect of the draconian structure of current law. This is not a right to be given to Christian schools only, but to people of other faiths who represent a diverse, multi-faith society. Note additional cosigners listed on page 2.

Respectfully yours,

REVEREND JOHN C. HOLMES, Ed.D.

Organizations may be listed for purposes of identification only.

Carl H. Esbeck, Legal Counsel to the Office of Governmental Affairs, National Association of Evangelicals.

Stephen Lazarus, M. Phil., Senior Policy Associate, Center for Public Justice.

Tim McGhee, President, Mountaintop Group.

William Murray, Chairman, Religious Freedom Coalition.

Rev. Paul Weyrich, Chairman and CEO, Free Congress Foundation.

Jim Backlin, Vice President for Legislative Affairs, Christian Coalition of America.

Star Parker, Founder and President, Coalition on Urban Renewal & Education.

Robert Heckman, Central City Partners.

Maurine Proctor, President, Family Leader Network.

Gary Bauer. President, American Values.

Tom McClusky, Vice President of Government Affairs, Family Research Council.

Donald E. Wildmon, Founder and Chairman, American Family Association.

Ron Shuping, Executive Vice President, The Inspiration Networks.

Pam Pryor, Vice President of Government Affairs, We Care America.

Kevin ''Seamus'' Hasson, President, The Becket Fund for Religious Liberty.

Joseph Cella, President, Fidelis.

Dr. Carl Herbster, President, AdvanceUSA.

Stephen V. Monsma, Ph.D., Research Fellow, The Henry Institute for the Study of Christianity and Politics, Calvin College.

Robin Stephenson, M.A., Director, Early Education Services, Association of Christian Schools International.

Ron Sider, President, Evangelicals for Social Action.

Rev. Richard Cizik, M. Div., M.A., Vice President of Governmental Affairs, National Association of Evangelicals.

James Standish, J.D., M.B.A., Director of Legislative Affairs, Seventh-day Adventist Church.

Gregory S. Baylor, J.D., Director, Center for Law & Religious Freedom, Christian Legal Society.

The Salvation Army, USA Commander Israel Gaither, National Commander.

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

DEAR MADAM SPEAKER PELOSI: The Association of Christian Schools International (ACSI) wishes it were able to commend Representatives Shuler (NC), Ellsworth (IN) and Loebsack (IA) for their amendment to H.R. 1429 regarding Head Start and the religious rights of faith-based groups. However, we cannot.

The Shuler amendment does not actually do anything. It merely lauds the history of Head Start and its relationship with faith-based groups. Should the amendment be accepted by the Rules Committee, it will only function as a ''fig leaf'' to those who do not want to vote for the legitimate Religious Freedom amendment, like the Fortuño amendment. Any worthwhile amendment must protect religious freedom for faith-based groups' right to hire co-religionists; and protect their rights to show that they are religious by what they have on their walls—such a Scripture. The Fortuño wording actually reinforces the rights religious groups obtained in Section VII of the Civil Rights Act of 1964. Such staffing freedom was held to be constitutional by the United States Supreme Court (9–0) in Presiding Bishop v. Amos in 1987. We recently sent the House Leadership a letter (see attached) that explained ACSI's position on H.R. 1429 and its need for the Fortuño amendment. This letter was cosigned by two dozen individuals and groups, including the Salvation Army, USA, which recently won a religious staffing decision in Lown v. Salvation Army in 2005.

We urge the Rules Committee to allow the Fortuño amendment to be voted upon on the House floor in an up-or-down vote. This stand-alone amendment gives Congress the opportunity to vote for or against religious freedom. Faith-based organizations that exist to impact the lives of at-risk children—especially in the inner cities—need a truly religious freedom amendment to bring hope to otherwise hopeless families.

Regrettably, the Shuler amendment would only be a way of continuing to deny truly faith-based groups from participating in Head Start with a clear conscience.

Respectfully yours,

REV. JOHN C. HOLMES, EdD,
ACSI Director, Government Affairs.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. SHULER).

The question was taken; and the Acting Chairman announced that the ayes 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 North Carolina will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. SPACE

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–116.

Mr. SPACE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SPACE:

Page 136, strike lines 21 through 25, and insert the following (and make such technical and conforming changes as may be appropriate):

''(16) provide assistance to address the unique needs of programs located in rural communities, including—

''(A) removing barriers related to the recruitment and retention of Head Start teachers in rural communities;

''(B) developing innovative and effective models of professional development for improving staff qualifications and skills for staff living in rural communities;

''(C) removing barriers related to outreach efforts to eligible families in rural communities;

''(D) removing barriers to parent involvement in Head Start programs in rural communities;

''(E) removing barriers to providing home visiting services in rural communities; and

''(F) removing barriers to obtaining health screenings for Head Start participants in rural communities.''.

Page 148, after line 25, insert the following (and make such technical and conforming changes as may be appropriate):

''(5) ensure that in entering into such contracts as described in paragraph (1), such entities will address the needs of grantees in both urban and rural communities.''.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Ohio (Mr. SPACE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, I rise today in support of the Space-Hare-Welch-Altmire amendment to H.R. 1429.

Mr. Chairman, I believe that Head Start is critical for our Nation's working families. We are a Nation founded on equality and opportunity for all. All of our Nation's children deserve the opportunity to participate in early childhood development programs regardless as to the financial standing of their families.

Head Start programs in rural areas face many unique challenges in delivering services. The January 2007 report from the National Advisory Committee on Rural Health and Human Services confirms the unfortunate reality that rural Head Start programs are, in many ways, disadvantaged.

Simply put, in rural and geographically isolated areas the distance between Head Start providers and participants is a significant mountain to climb. Especially as gas prices continue to stretch both program and household budgets, the cost of transportation can be prohibitive. These distances can also impede Head Start programs from reaching out to families eligible to participate. It is certainly a tragedy when families can't enjoy the opportunities offered by Head Start programs because they didn't know about them, not because they weren't there.

I am particularly concerned about barriers to parental involvement. I believe that parental involvement fostered by Head Start programs is incredibly important. There is no responsibility of our society more sacred or profound than raising our children. Bringing parents together to share in this experience strengthens our communities, creating bonds that can bring them closer together.

In rural areas, parental involvement is again a challenge. The realities of less advantaged areas can keep parents away from these programs. This is simply a missed opportunity to build our communities.

I believe that H.R. 1429 offers significant improvements to rural Head Start programs, and I applaud the work of my colleagues on the Committee on Education and Labor for making assistance to these areas a priority.

In particular, I wish to thank my colleague from Illinois (Mr. HARE) for his amendment in committee that draws attention to the challenges of teacher retention and the recruitment of new participants in our Nation's rural areas.

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

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition, though I am not opposed to the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I think that this amendment makes it a stronger bill. Rural grantees are more likely to rely on home visits due to problems associated with staffing and transportation. Head Start in-home programs are required to make a minimum of 32 visits per year, or one per week. In addition, there must be a minimum of 16 group socialization activities per year.

For this reason, I rise in support of this amendment to provide additional training and support to rural Head Start programs facing these challenges to ensure that all children can access the skills necessary to succeed in school.

I urge my colleagues to support the amendment.

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

Mr. SPACE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the gentleman for yielding.

Mr. Chairman, I am honored to join Congressmen SPACE, WELCH and ALTMIRE in introducing this amendment to improve Head Start programs for rural communities.

Much of my congressional district is rural. Therefore, I am very sensitive to the unique challenges that Head Start centers and rural families face in providing or accessing Head Start programs. Some of these challenges include instructor shortages, access to Head Start programs and outreach to eligible families.

As a member of the Education and Labor Committee, I had the privilege of addressing these concerns during the markup of this bill. The amendment we present today expands those efforts by directing the Education Secretary to provide the technical assistance and training to remove barriers to professional development, parental involvement, home visits and health screening in rural areas.

It is my hope that with this commitment from the Secretary and with the addition of services geared towards the needs of rural families, more eligible children will enroll in and experience the benefits of the Head Start program. Rural communities consist of the low-income populations that Head Start was created to serve. Therefore, it is critical that we address the challenges these communities face in administering Head Start to ensure that those families have the access to the opportunities they need and they so much deserve.

Again, I thank my colleagues for helping me on this issue, and I urge all Members to vote ''yes'' to improve the rural Head Start program by passing the Space-Hare-Welch-Altmire amendment.

Mr. SPACE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I thank the gentleman from Ohio for his leadership on this issue, and I rise in strong support of this amendment. I am happy to lend my name to it, because this amendment simply says that rural communities which have distinct needs in Head Start programs will now have a level playing field with the changes that have been made under H.R. 1429, which I strongly support.

This bill builds on Head Start's proven success in a way that is going to benefit parents and teachers who are involved in the program. We want to ensure through this amendment that those successes carry forward into rural communities, specifically as it relates to professional development, parental involvement, home visits and health screenings.

So I am pleased to lend my name to this. It is a great amendment, and I thank the gentleman from Ohio for his leadership.

Mr. SPACE. Mr. Chairman, I yield the balance of my time to the gentleman from California, Chairman MILLER.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from Ohio for offering this amendment and for bringing this perspective to this legislation, along with Mr. HARE and Mr. ALTMIRE and Mr. WELCH, and for representing the rural communities and raising these issues during this debate and during the consideration of this legislation.

Sometimes issues get overlooked in the rush to reauthorize the bill and to reauthorize it from a single perspective, so I appreciate this information that they have brought to us. I think the direction to the Secretary to review and to look at these barriers and to see what we can do to remove them so that we can assure both the participation of the children in the program and of their families and their parents as is designed by the law is important.

Mr. Chairman, I urge the adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SPACE).

The amendment was agreed to.

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. 2 by Mr. PRICE of Georgia.

Amendment No. 3 by Mr. SESTAK of Pennsylvania.

Amendment No. 4 by Ms. HIRONO of Hawaii.

Amendment No. 5 by Mr. MICA of Florida.

Amendment No. 7 by Mr. PUTNAM of Florida.

Amendment No. 9 by Mr. CARNAHAN of Missouri.

Amendment No. 11 by Mr. SHULER of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) 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 165, noes 254, not voting 18, as follows:

[Roll No. 277]

AYES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
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, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—254

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)
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 (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Flake
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
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
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Boehner
Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Feeney
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Rogers (KY)
Simpson
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1740

Messrs. COHEN, RODRIGUEZ and HILL and Ms. WOOLSEY changed their vote from ''aye'' to ''no.''

Mrs. BACHMANN and Mr. SAM JOHNSON of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK) on which further proceedings were postponed and on which the ayes 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 312, noes 107, not voting 18, as follows:

[Roll No. 278]

AYES—312

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Ferguson

Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
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
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—107

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bonner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Castle
Coble
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pence
Petri
Poe
Price (GA)
Putnam
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—18

Berkley
Brady (PA)
Cannon
Cole (OK)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Serrano
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1747

Mr. EVERETT changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. BERKLEY. Mr. Chairman, on rollcall No. 278, had I been present, I would have voted "aye."

Mr. SERRANO. Mr. Chairman, on rollcall No. 278, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO) on which further proceedings were postponed and on which the ayes 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 372, noes 50, not voting 15, as follows:

[Roll No. 279]

AYES—372

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—50

Bachmann
Baker
Barrett (SC)
Bishop (UT)
Blackburn
Burton (IN)
Cantor
Carter
Coble
Davis (KY)
Davis, David
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
King (IA)
Kingston
Linder
Manzullo
Marchant
McCrery
Miller, Gary
Musgrave
Myrick
Neugebauer
Pence
Poe
Price (GA)
Radanovich
Sali
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Weldon (FL)
Westmoreland

NOT VOTING—15

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Gillibrand
Gutierrez
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1756

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MICA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) 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 137, noes 286, not voting 14, as follows:

[Roll No. 280]

AYES—137

Aderholt
Bachus
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Everett
Fallin
Feeney
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
Lowey
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—286

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
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
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Flake
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1803

Mr. CAPUANO changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. LOWEY. Mr. Chairman, during rollcall vote No. 280 on H.R. 1429, I mistakenly recorded my vote as ''aye'' when I should have voted ''no.'' I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 280.

AMENDMENT NO. 7 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. PUTNAM) 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 161, noes 262, not voting 14, as follows:

[Roll No. 281]

AYES—161

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
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
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)

Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
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
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—262

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
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
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
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
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Bilirakis
Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN.

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1811

Mrs. JONES of Ohio and Mr. HILL changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. CARNAHAN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. CARNAHAN) on which further proceedings were postponed and on which the ayes 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 253, noes 171, not voting 13, as follows:

[Roll No. 282]

AYES—253

Abercrombie
Ackerman
Akin
Alexander
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)
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
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
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
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
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
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)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—171

Aderholt
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
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)

Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
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
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—13

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1820

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SHULER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. SHULER) on which further proceedings were postponed and on which the ayes 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 229, noes 195, not voting 13, as follows:

[Roll No. 283]

AYES—229

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)
Braley (IA)
Brown, Corrine
Butterfield
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
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
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
Shays
Shea-Porter
Sherman
Shuler
Sires
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
Fortuño
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
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
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—13

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1828

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. KIND, 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. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, pursuant to House Resolution 348, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that under the rules adopted by this House, the number of votes

allowed in the Committee of the Whole is different than the number of votes allowed when the House sits?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that because of the rules, any re-vote in the House on an amendment that passed in the Committee of the Whole with full participation, the total votes cast would be different?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. If not, 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.

□ 1830

MOTION TO RECOMMIT OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon moves to recommit the bill (H.R. 1429) to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

Page 172, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 22. OPERATIONAL RULE.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 654 the following:

"SEC. 654A. OPERATIONAL RULE.

''(a) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out under this subchapter, the Federal Government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. The Federal Government shall not discriminate in the administration of this subchapter against an organization that provides assistance under, or applies to provide assistance under, this subchapter, on the basis that the organization has a religious character.

''(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

''(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

''(2) ADDITIONAL SAFEGUARDS.—The Federal Government shall not require a religious organization—

''(A) to alter its form of internal governance; or

''(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

''(3) EMPLOYMENT PRACTICES.—Section 654 shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in section 654.

''(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

''(d) FISCAL ACCOUNTABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

''(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.''.

Mr. MCKEON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. MCKEON. Mr. Speaker, because of a flaw in the Federal Head Start law, faith-based institutions have been forced to relinquish their civil liberties if they choose to participate in the Federal early childhood program we are poised to reauthorize today.

A sham of an amendment adopted earlier today applauded these organizations but did nothing to protect faith-based providers' civil rights. This motion to recommit does.

We have had this debate many times before here on the House floor, and each time we have had this debate, opponents of faith-based groups' federally protected right to maintain their religious nature and character through those they hire have equated these civil liberties as ''discrimination.''

The 1964 Civil Rights Act makes clear that faith-based groups may serve their communities without being forced to give up the right to employ individuals who share the tenets and practices of their faith. Mr. Speaker, were the authors of the Civil Rights Act pro-discrimination? No.

The United States Supreme Court in 1987 unanimously reaffirmed the hiring rights for faith-based organizations. Was the Supreme Court pro-discrimination? No.

Former President Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive Federal funds. Was he pro-discrimination? No.

The motion to recommit we are considering today is offered in the same spirit as the 1964 Civil Rights Act, the 1987 Supreme Court decision, and President Clinton's signature on those four bills.

I commend the gentleman from Puerto Rico (Mr. FORTUÑO) for offering this as an amendment before the Rules Committee yesterday.

Mr. Speaker, I now yield the balance of my time to Mr. FORTUÑO.

Mr. FORTUÑO. Mr. Speaker, thank you for allowing me to speak today on the motion to recommit H.R. 1429, the Improving Head Start Act of 2007. I must commend Chairmen MILLER and KILDEE and Ranking Members MCKEON and CASTLE for completing work on this important reauthorization.

This motion to recommit would ensure that, one, religious organizations that are participating in the Head Start program are allowed to take religion into account in their hiring practices; and, two, religious organizations that are participating in the Head Start program are not discriminated against on the basis of their religious character and are not required to alter their form of governance or remove religious art, icons, or scripture or other symbols if they decide to participate in the Federal Head Start program.

Faith-based organizations, such as churches, synagogues and other faith-based charities, are a central part of the fabric of communities across America. Many of these organizations provide assistance and services to the neediest members of society, offering a helping hand to the least fortunate among us. Faith-based organizations can make a vital contribution to Federal assistance programs and are critical to the survival of many communities and to the improvement of the lives of countless individuals.

When faith-based groups hire employees on a religious basis, they are exercising their civil rights and liberties. The Civil Rights Act made clear when faith-based groups hire employees on a religious basis, it is an exercise of the group's civil liberties and does not constitute ''discrimination'' under Federal law. Faith-based providers who are willing to help provide early childhood education and other critical social services should not be denied this opportunity.

Faith-based organizations cannot be expected to sustain their religious mission without the ability to employ individuals who share the tenets and practices of their faith because it is that faith that motivates them to serve their neighbors in trouble. Without the right to continue to hire on a religious basis, religious organizations, in order to avoid such dangers, are likely to simply withdraw from the

Federal social service efforts altogether, to the loss of people in need everywhere.

Constitutional protections are included. The motion to recommit prohibits funds from being used for worship, instruction, or proselytization in keeping with constitutional requirements.

This motion to recommit does not permit religious organizations to refuse to assist individuals on the basis of religion, a religious belief, or refusal to participate in a religious practice. The nondiscrimination language of the current Head Start statute prevents discrimination in the provision of service on the basis of race, creed, color, national origin, sex, political affiliation, or beliefs.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this motion should be called the ''religious job discrimination act.''

As a person of faith who believes strongly in the good work of faith-based groups, I rise to passionately oppose this ill-advised motion, a motion also opposed by the Baptist Joint Committee, the American Jewish Committee, the Episcopal Church, and the NAACP.

Our principle is simple but deeply profound. No American, not one, should ever have to pass another American's private religious test to qualify for a tax-funded Federal job. Not one American. Mr. Speaker, I shouldn't have to pass Mr. MCKEON's test if I am applying for a Head Start job program, and he should not have to pass my religious test.

The fact is that no group in America, which would be possible under this motion, should be able to accept a $1 million Head Start tax-funded grant and then literally, with your tax dollars in mind, put up a sign that says no Jews nor Catholics need apply here for a federally funded job. To do so is morally wrong. To do so is constitutionally wrong. No American, no American, not one, should ever have to choose between being true to his or her private religious faith and having a federally funded, tax-funded job.

This motion will harm the Head Start program. It will harm the work of faith-based groups. Vote ''yes'' for Head Start and ''no'' for this motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I have been the pastor of the St. James United Methodist Church for 33 years. The bishop gives me the authority to bring pastors onto our staff, and I discriminate. I have five pastors. All of them are Methodists, and they are paid with Methodist dollars. Each one of them. They are paid out of the stewardship of the church, and I have the right to do that. But I don't have the right to accept Federal dollars and discriminate.

Minorities have come to Washington over the years because this was the seat of power and it was believed that if you could get close to the seat of power, freedom would be more available. The same thing holds true with dollars. People go to work for the Federal Government, and if they see dollars going to a Head Start program, they believe automatically that there will be no discrimination. And we should not, we should not, turn it around now.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, a few weeks ago, Don Imus provoked a national discussion about race, but that was just talk. If we pass this motion, we will take action and turn the clock back before 1965.

This amendment doesn't allow faith-based programs to get funded. The Shuler amendment that we passed reminds us that faith-based organizations can and do sponsor Head Start programs.

The fact is that any program that can be funded under this amendment could be funded anyway if they would agree not to discriminate in employment. It has nothing to do with symbols. It is absurd to suggest that this has anything to do with symbols. Whatever problem there is with symbols is a constitutional problem that cannot be solved with a motion to recommit.

This is all about discrimination. And if you can discriminate based on religion, it has racial implications. So since the 1960s, for 40 years, when you talk about civil liberties, you are talking about the victims of discrimination. We decided 40 years ago that it was so reprehensible to discriminate in employment that we made it illegal, even with your own private money. And today, as we talk about discrimination, we ought to think about the victims, not the right of the person to discriminate against the victim.

The present law allows the church to use its own church money, as the gentleman from Missouri said, to hire whom they want. But with Federal money, just with the Federal money, you have not been able to discriminate. So for 40 years, all children in Head Start programs have learned that their parents are eligible to be hired by the Head Start program regardless of the race or religion of the program. They have known that for over 40 years. This amendment will determine what the next generation of Head Start students will learn.

We need to defeat this amendment.

Mr. GEORGE MILLER of California. Mr. Speaker, I urge my colleagues to vote against this motion to recommit and not adopt a policy of employment discrimination based upon religion.

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. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minutes votes on passing H.R. 1429, if ordered, and suspending the rules and adopting House Resolution 243.

The vote was taken by electronic device, and there were—ayes 195, noes 222, not voting 16, as follows:

[Roll No. 284]

AYES—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, Lincoln
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
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
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
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)

NOES—222

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

NOT VOTING—16

Brady (PA)
Capuano
Cubin
Davis, Jo Ann
Engel
Fattah
Graves
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Simpson
Tancredo
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1859

Mr. BACHUS changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. UDALL of Colorado. Mr. Speaker, I was unavoidably detained and unable to be present at the time of the vote on the motion to recommit H.R. 1429. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—ayes 365, noes 48, not voting 19, as follows:

[Roll No. 285]

AYES—365

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

NOES—48

Akin
Bachmann
Baker
Barrett (SC)
Burton (IN)
Campbell (CA)
Cantor
Carter
Coble
Culberson
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Hoekstra
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
McHenry
Miller (FL)
Miller, Gary
Neugebauer
Pence
Pitts
Poe
Radanovich
Rohrabacher
Royce
Sali
Sensenbrenner
Shadegg
Stearns
Walberg
Weldon (FL)
Westmoreland

NOT VOTING—19

Brady (PA)
Cubin
Davis, Jo Ann
Delahunt
Engel
Everett
Fattah
Graves
Hunter
Johnson, E. B.
Lampson
Marshall
McCrery
McMorris Rodgers
Ortiz
Paul
Price (GA)
Simpson
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1906

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SIMPSON. Mr. Speaker, on rollcall No. 285 I was unavoidably detained. Had I been present, I would have voted "aye."

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 243, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SIRES) that the House suspend the rules and agree to the resolution, H. Res. 243, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, answered ''present'' 3, not voting 25, as follows:

[Roll No. 286]

YEAS—404

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

ANSWERED ''PRESENT''—3

Conaway
Gohmert
Poe

NOT VOTING—25

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Everett
Fattah
Graves
Hunter
Johnson, E. B.
Lampson
Lantos
Linder
McCrery
McDermott
McMorris Rodgers
Murtha
Napolitano
Ortiz
Paul
Roskam
Rush
Skelton
Tancredo
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1916

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, Le Quoc Quan, and other political prisoners and prisoners of conscience, and for other purposes''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1429, IMPROVING HEAD START ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 1429, the Clerk be authorized to correct section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1592, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–120) on the resolution (H. Res. 364) providing for consideration of the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1867, as amended.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 1867, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1867 pursuant to

House Resolution 349, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 349 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. 1867.

□ 1920

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. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes, with Mr. ALTMIRE 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 Washington (Mr. BAIRD) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

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

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

Mr. BAIRD. Mr. Chairman, I rise in support today of H.R. 1867, the National Science Foundation Authorization Act of 2007.

H.R. 1867 was introduced by myself, the gentleman from Michigan (Mr. EHLERS), and several other members of the Subcommittee on Research and Science Education. It was ordered reported by the unanimous vote of the Committee on Science and Technology, and is widely supported by industry and academia.

The National Science Foundation was last authorized by Congress in 2002 for 5 years, so we are right on track to ensure the continued growth and relevance of this very important agency.

The National Science Foundation is the only Federal agency whose mission is to support science and engineering research across all disciplines. Currently NSF funds 20 percent of all basic research conducted at American colleges and universities. In many fields such as mathematics, computer sciences and social science, NSF is the major source of Federal backing.

In its 57-year history, NSF has helped cultivate a scientific research enterprise in which the capacity for creativity and innovation is unrivaled in the world. Some economists estimate that half of the U.S. economic growth since World War II has been the result of technological innovation stemming from basic research and development.

NSF also has a mission to achieve excellence in U.S. science, technology, engineering and mathematics education at all levels and in all settings from kindergarten through postdoctoral training.

I don't think we can stress enough the critical leadership role that NSF has in improving STEM education, and I want to especially thank Science and Technology Chairman GORDON for tireless efforts on these issues.

In addition to supporting research and education grants at colleges and universities across the country, NSF also helps to support the construction of world-class research facilities and equipment that help to attract the top scientists and engineers from around the world to U.S. universities.

As we have seen high-paying jobs outsourced, our children graduating high school well behind their international peers in understanding basic science, other nations surging ahead in export of high-tech products, it has finally sunk in, funding basic research and teaching our kids math and science has a huge impact on our economy, our competitiveness, our national security, and our population's well-being.

H.R. 1867, like H.R. 362 and H.R. 363, two other Science and Technology Committee bills that passed the House just last week, is one more important piece of the House leadership's innovation agenda. It is also consistent with the administration's own American Competitiveness Initiative, which called for a 10-year doubling for three science agencies, the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science.

H.R. 1867 was developed with input received during two subcommittee legislative hearings, a number of other NSF policy hearings held over the last many months, and countless informal conversations with NSF stakeholders both inside and outside of government.

Dr. EHLERS and I personally traveled over to NSF last month to meet with the Director and all of the Assistant Directors to receive their personal input.

In drafting H.R. 1867, we tried to limit it to policy, administrative and budget issues that have arisen since the last authorization in 2002, while leaving the Foundation with maximum flexibility in translating our guidance into practice.

Likewise, we minimized the specific carve-outs, especially in the research account, where all of the grants are awarded through a competitive, merit-reviewed process, and where the Foundation often needs to respond quickly to new fields of science and new ways of doing science.

I want to especially thank all my colleagues on the committee, especially Dr. EHLERS, Ms. JOHNSON, Ms. HOOLEY, Mr. GINGREY, Chairman GORDON and Ranking Member HALL, for helping to improve this bill and move it expeditiously through the committee process. This was a bipartisan effort from beginning to end.

Mr. Chair, this bill is critical to American innovation and competitiveness. I urge my colleagues to support passage of H.R. 1867.

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

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today, of course, in support of H.R. 1867, which authorizes funding for the National Science Foundation for the next 3 years. As most of us know, NSF is one of three agencies targeted by the President's American Competitiveness Initiative. The ACI aims to double the Federal investment in physical science research over the next 10 years. Appropriate investment in research development technology and math and science education will ensure that our country remains the world leader in competitiveness and innovation.

The National Science Foundation is the primary source of Federal funding for nonmedical basic research conducted at colleges and universities and serves as a catalyst for science, for technology, for engineering, and mathematics education reform at all levels. The return that we receive from our NSF investments far exceeds the cost. In addition, the NSF peer review process for receiving Federal funding is to be an example for all Federal agencies and one in which I hope all of my colleagues more fully recognize as an appropriate means of investment.

As reported, this is a good bill. I thank Chairman GORDON and Dr. BAIRD for working with Dr. EHLERS and with me to make improvements in the measure. I urge my colleagues to support it.

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

Mr. BAIRD. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY), who has been a tireless member of this subcommittee and has championed the issue of undergraduate research, which is critical in preparing our students for the future.

Ms. HOOLEY. I would like to thank Chairman BAIRD for yielding me time to speak on this important piece of legislation and your incredible leadership on this issue.

The bill we have before us today will strengthen the National Science Foundation and allow it to better serve the needs of this country both today and well into the future.

The Foundation is unique among the Federal Government's scientific research agencies in that it supports science and engineering across all disciplines. Each year the National Science Foundation supports an average of 200,000 scientists, engineers, educators and students at universities,

laboratories and field sites all over the United States and throughout the world.

The NSF plays a critical role in helping the United States maintain its position at the forefront of global innovation and technology. The NSF provides funding and support for research at the Nation's leading universities and laboratories to develop products and materials to further our economy.

Examples of recent discoveries by NSF-funded research include new materials to make solar panels more effective, technologies to make airport screening more efficient, and the world's strongest superglue based on water-loving bacteria.

By supporting students at each phase in the educational system, the NSF helps our future scientists and engineers turn ideas into innovation.

I am particularly pleased that the committee has agreed to include language in the reauthorization that directly ties funding for the Research Experience for Undergraduates Program to funding levels at the NSF. One of the few NSF programs devoted specifically to undergraduates, this program has suffered from a declining budget for the past 3 years. By tying the funding for the program to the overall funding of NSF, we will allow students access to the resources they need to further their research at their own schools and at institutions across the country.

This legislation is not only good for students, teachers, scientists and engineers, but it is good for the United States in our leading the world on our innovation which drives our economy.

I urge my colleagues to join me in supporting this bill. And again, I thank my colleague Representative BAIRD for all of his hard work on this piece of legislation.

□ (1930)

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

I am pleased to join the speakers in rousing approval of this bill, the National Science Foundation Authorization Act of 2007. As a scientist, I have been familiar with the National Science Foundation almost since its inception. It is an outstanding American institution. It is the best science research institution in the world in terms of their strong peer review and the good results.

Just a few weeks ago, we had the announcement of the latest round of Nobel Prize winners. All of the Nobel Prize winners this year in the sciences were from the United States, and one of them was formerly funded by the National Science Foundation.

The National Science Foundation has now provided funding for 170 individuals who have gone on to win the Nobel Prize. By far, we are the leader among all the Nations, and it is not just our population. It is our ability to engage in meaningful and good research, research that results in earth-changing results, and that is extremely important to the foundations of science.

The National Science Foundation has done so many good things since its inception, and as I said, it is one of the leaders in the world.

It also has received awards from the Office of Management and Budget just within the past few years as the most efficiently run government agency. Now, that is indeed an important prize. I understand we are going to have a few amendments to try to reduce the budget of the National Science Foundation, and I think it is absurd to punish the best-operated government agency while we are continuing to fund other agencies which do not do as well, and we are not reducing their budget.

Another factor is we often talk in the Congress about investments. Sometimes I think we never spend a penny of our money; we invest it all because everyone talks about their particular project as a good investment. Well, let me tell you, if we are investing money here we will get a higher rate of return on the money that we invest in the National Science Foundation than in any other government agency, except perhaps NIH, simply because the results are so astounding and so ripe for development by the manufacturing sector.

I could give many, many examples, but let me just mention one. A friend of mine, Charlie Townes, a number of years ago, decided that he could develop a laser. Now, LASER stands for lamp amplification by stimulated emission of radiation. The initiative for that discovery came originally from Einstein in the early 1900s. In the 1930s, a theoretical physicist predicted that stimulated emission would result from a photon hitting an excited atom, yielding two photons of the same wavelength and the same phase traveling in the same direction. Mr. Townes decided he could build a laser out of this, and in fact, he did.

I do not know what types of grants he had, but I think the total was probably less than $10 million. Today, the laser industry is a multi, multi, multibillion dollar industry.

Every sewer that has been laid in this Nation and most parts of the world for the last 30 years has been leveled with a beam of laser light. Every suit, every piece of clothing that the people in this room are wearing has been cut out by a laser light, not scissors, but lasers guided around, cutting out the patterns before they are sewn together. I could go on and on with many other examples, including medical examples, by the way.

So that small investment of about $10 million resulted in thousands and thousands of billions of dollars in our economy. That is why it is totally absurd for anyone to think about reducing the budget of the NSF. If anything, we should increase it because the payback on our investment there is so good, so strong, that we should be increasing NSF funding, not decreasing it.

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

Mr. BAIRD. Mr. Chairman, I just want to say how much I appreciate Dr. EHLERS for his wisdom, his knowledge, his friendship and his leadership on this. There are few Members of Congress, or even, I think, few other people in the country who know these issues as well as Dr. EHLERS. He has been a teacher to students for many years and a teacher to those of us on the committee as well.

I thank Dr. EHLERS for his fine comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. CARNAHAN), a valued member of the committee who has led critical efforts on this legislation.

Mr. CARNAHAN. Mr. Chairman, I rise in strong support of H.R. 1867, the National Science Foundation Reauthorization Act of 2007.

I really want to thank Chairman GORDON, Chairman BAIRD and Ranking Member EHLERS for their work on this bill. Under their leadership, our committee has produced a remarkable amount of quality legislation, including this bill before the House tonight.

Our country's global competitiveness is directly linked to the ability of our math, science and engineering professionals to develop innovative technologies, policies and scientific breakthroughs.

Yet while it is important to support these professionals and their industries today, it is perhaps of even greater importance to support their professions and industries of tomorrow.

In order for our Nation to compete with countries around the world, we must ensure that we increase the educational opportunities for our youth to study and pursue careers in math, science and engineering, while also investing in programs to enrich the quality of these opportunities.

Making both research and the education of our children a national priority is not simply an investment in these fields. Our global competitiveness is directly tied to our Nation's economy and national security.

NSF plays a critical role in influencing our global competitiveness as it supports science and engineering across all disciplines.

Each year NSF supports an average of about 200,000 scientists, engineers, educators and students at universities, laboratories and field sites all over the U.S., including many great institutions in my home State of Missouri.

H.R. 1867 authorizes the necessary funds for NSF which will allow the agency to foster relationships between academia and industry in order to spawn U.S. competitiveness and further the Agency's traditions of education in science, technology, engineering and math, the STEM, fields.

I urge my colleagues to invest in the future of our children, in our country's global competitiveness and support this bill.

Mr. EHLERS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BAIRD. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, as a past NSF grant recipient, I rise today in strong support of H.R. 1867, the National Science Foundation Reauthorization Act of 2007. I want to thank Chairman GORDON, Chairman BAIRD and Dr. EHLERS for their work in bringing this strong bill to the floor today.

Today, we stand at the cusp of numerous technological breakthroughs that will completely revolutionize our way of life; from hydrogen and other advanced fuels technologies that will free us from our addiction to oil, to nanotechnology that has the potential to impact virtually every sector of our economy.

Much of this research has been made possible by grants from NSF, and by passing this bill we are continuing our support of American researchers, scientists, engineers, educators and students who will ensure that these breakthroughs continue and that America continues to lead the world technologically and economically.

I would like to point out that consideration of this legislation comes on the heels of last week's passage of the 10,000 Teachers, 10 Million Minds and Sowing the Seeds legislation. Both of these bills were introduced in response to the recommendations of the Rising Above the Gathering Storm report, which was commissioned by Congress to help the U.S. compete, prosper and be secure in the global community of the 21st century.

This legislation we are considering today, which puts us on a path to double NSF funding over 10 years, will further build our commitment to competitiveness, being led in the House by Chairman GORDON.

The NSF has a broad mission of supporting science and engineering and funding basic research across many disciplines. Basic research is very necessary, yet oftentimes, because it does not directly, only indirectly lead to advances, does not receive private funding. The NSF does this.

This legislation also specifically calls on the director of NSF to give special consideration to research proposals having high importance for future national economic competitiveness. This is critically needed.

One example is nanotechnology, a very promising field of research that has the potential to revolutionize our society from defense to health care to energy to environmental cleanup. This will help.

The bill also gives special consideration to partnerships between academics, industrial scientists and businesses. I have spoken to a lot of professors and administrators at universities who say this is a major problem in our country of taking research and getting it to the market, and this will help to do this.

Mr. Chairman, earlier today I had the opportunity to meet with five American scientists who each just recently won a Nobel Prize. They all emphasize that continued support of the NSF is crucial to America's future success, just as it is critical to their successes.

So, as a proud cosponsor of this bill, I urge the House to heed the advice of those on the cutting edge of science and take another step in bolstering American competitiveness by passing H.R. 1867.

Mr. BAIRD. Mr. Chairman, it is a real privilege and honor to yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON), Chair of the committee. Before he speaks, I just want to say what a privilege it is to serve with him and to offer that years from now, there will be Americans benefiting from technological and scientific innovations and in particular young people, scholars, benefiting from the education initiatives championed by Mr. GORDON. They may not know of the work done. He has done a great job, a bipartisanship approach to this committee. It is a privilege to serve with him.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Dr. BAIRD.

Let me just say that I have a 6-year-old daughter at home, and I am very concerned that she could be a part of the first generation of Americans to inherit a national standard of living less than their parents, a complete reversal of the American Dream. And if we are going to avoid this, it is very, very important that we follow through on the recommendations of the report on Rising Above the Gathering Storm.

Now, last week we did. We got a good start. Last week, we passed the K–12 improvements in math and science education, as well as investments in our education system in other regards. This week, we are going to take another step forward, and that is follow the recommendations of increasing our commitment to basic research.

Tonight, we are going to pass the National Science Foundation authorization which will double the National Science Foundation. Tomorrow, we are going to double the NEST budget.

Let me on behalf of my daughter, I want to thank Dr. BAIRD, I want to thank Dr. EHLERS and our excellent staff for working together in a bipartisan way. I want to remind everyone that this is a bill that came out of the Science and Technology Committee unanimously because it is a good bill, it was worked on together in a bipartisan, Democrats, Republicans, with a very good staff. Again, I thank you for the great work you did, and my daughter thanks you even more.

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

Mr. Chairman, I rise today in strong support of the National Science Foundation Authorization Act of 2007. I appreciate the kind words offered by Mr. BAIRD and Mr. GORDON, and frankly, producing this bill was a lovefest. I am very impressed with the work they did on it. I am very appreciative of the very hard work that they did in putting together a bill, including direct interaction with members of NSF, talking to scientists who were familiar with the NSF, scientists who had received funds from NSF, and out of all that, we have written a bill that I think is a very good one.

□ 1945

My colleagues and I on the Science and Technology Committee have introduced a strong reauthorization bill for the National Science Foundation. It is a straightforward 3-year bill which provides authorization for the various research and education activities of the National Science Foundation.

I am pleased that this bill establishes a pathway to double the total budget of the Foundation. In 2002, Congress wholeheartedly supported a 5-year doubling path for the Foundation, and I strongly supported that and was very pleased to vote for it.

Unfortunately, appropriations have fallen far short of that target. Last year I had consultations with the President, and partly as a result of those consultations, the President introduced a plan known as the American Competitiveness Initiative that sought to double the research budgets of the National Science Foundation, National Institute of Standards and Technology and the Department of Energy's Office of Science over the next 10 years. In other words, twice as slow as the previous decision of the Congress.

I would prefer the faster increase, but I recognize realities and the tough financial conditions we have. So I am pleased to sign on with doubling over 10 years.

The National Science Foundation was included in the ACI because it conducts world-class research in areas that support new, innovative technologies, which, in turn, lead to advances in telecommunications, homeland security, alternative energy and other areas of great importance to our Nation.

I have the utmost confidence that the National Science Foundation will use the authorized funds in the most prudent manner, as NSF consistently earns the highest possible score in the annual Office of Management and Budget ratings of financial and budget performance.

The National Science Foundation Authorization Act of 2007 will support the education and training of more than 225,000 scientists, engineers, teachers and students. In addition to discipline-specific research, NSF activities include cross-cutting initiatives on nanotechnology, networking and information technology, climate science change and the International Polar Year.

It also supports the construction of major research facilities that are shared within and across many disciplines of the scientific community.

NSF research and activities touch every State of this Nation and provide tremendous support at all levels of education.

NSF is a unique agency because it is the only agency with a primary mission of supporting fundamental scientific research, as well as engineering research. Unlike some of our other science agencies, NSF is not a mission agency in the sense that it has an established program to target. In fact, it solves many problems through the process of fundamental research, often in a serendipitous manner.

As Nobel Prize winner Theodore Svedberg remarked, as he accepted his reward in 1926, ''A glance at the history of science and technics shows that it is precisely the search for truth without any preconceived ideas, research for the sake of knowledge alone, that in the long run has most benefited humanity. The investigations which have seemingly been the most purely abstract have often formed the foundation of the most important changes or improvements in the conditions of human life.''

It is challenging in this day and age to support this type of research. The U.S. has many pressing needs that require solutions on very short time lines, particularly related to national security and the health of our aging population. For this reason and others, we have seen companies decrease their investments in long-term research projects. Nevertheless, economists have confirmed the accuracy of Dr. Svedberg's statement that fundamental research has, indeed, paid the highest dividends to humanity over the years.

Estimated return on investment in research and development is difficult to calculate, but generally ranges from 20 to 400 percent. That is an incredible payback. Furthermore, past investments in NSF have contributed greatly to major technological advances in areas and industries that are critical for U.S. economic growth such as biomedical applications.

The former Director of the National Institutes of Health, Harold Varmus, is well-known for his following statement: ''Medical advances may seem like wizardry. But pull back the curtain, and sitting at the lever is a high-energy physicist, a combinational chemist or an engineer.''

Continued support for fundamental research lays the groundwork for innovations in other disciplines that directly impact the lives of every American. We are here today to authorize a continued investment in this type of NSF groundbreaking work.

I thank Chairman BAIRD and his dedicated staff for their work on preparing this bill in a bipartisan manner, and encourage my colleagues to support it.

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

Mr. BAIRD. At this point I understand Mr. KIRK would like to engage in a colloquy. Would Mr. EHLERS care to yield some time to him for that?

Mr. EHLERS. Mr. Chairman, I am pleased to yield such time as he may consume to Mr. KIRK for a colloquy.

Mr. KIRK. I thank the gentleman, one of the only working scientists serving in the Congress.

I had intended to offer an amendment to this legislation with regard to the mercury issue, but working with the committee, I understand the better place I am talking about is in the EPA Office of Science.

So I would like to say that I strongly support investment in scientific and mathematical research, but I would like to engage in a colloquy with the chairman, especially to emphasize how essential it is for comprehensive and frequent research on mercury levels in one of our Nation's most treasured ecosystems, the Great Lakes.

Mercury pollution is now a serious problem for my district in northern Illinois, as well as across the Nation. The Great Lakes are particularly vulnerable to exposure, as 36 percent of mercury emissions are generated in the Great Lakes region.

In fact, there are currently 18 fish advisories for mercury contamination in the region, yet the Great Lakes are a source of food and especially drinking water for over 40 million Americans. This undoubtedly contributes to the recent estimate that the U.S. Government has seen more than 300,000 American babies born each year with a risk of mercury poisoning.

It's critical that we begin to take an annual inventory of mercury levels in the Great Lakes to understand the sources of this pollution and especially the trend to see whether this danger is growing. With this information the Congress would be able to provide more effective and comprehensive regulation of mercury pollution and mitigation of its harmful effects.

I would like to thank Chairman BAIRD for agreeing to engage in this colloquy on this important matter, and I appreciate all his support in working to ensure that we have the most comprehensive, scientific, accurate and timely information on mercury contamination. I look forward to working with the chairman on this issue.

Mr. BAIRD. I very much thank the gentleman for working so closely with us and with Ranking Member EHLERS on this. I absolutely agree with the gentleman from Illinois on the importance of mercury in the Great Lakes, and I applaud him for raising this issue. It is crucial that we continue to gather the necessary data in order to protect current and future generations in the environment from dangerous mercury exposure. I am aware and appreciate the gentleman understands that the National Science Foundation does not generally engage in this type of research, and, as indicated, it is really more the appropriate domain of the Environmental Protection Agency.

Accordingly, I will be happy to work with the gentleman from Illinois, and I look forward to the committee providing direction to the U.S. EPA in a letter to that effect.

Mr. KIRK. I thank the chairman for that. I look forward to seeing the committee's letter, because I think it will move the ball significantly to help this Congress redress a growing danger.

To the gentleman from Michigan, a leader on Great Lakes protection, and removing environmental contamination, I thank him for working on this issue.

Mr. EHLERS. I thank the gentleman for those comments. We will be happy to continue working with him.

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

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume in order to engage in a colloquy with the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Thank you, Mr. Chairman, for giving me this opportunity to talk about the importance of research into the environmental, cultural and health impacts of introducing new genetically modified plants and animals into our agriculture, horticulture and aquaculture systems.

The National Science Foundation, which supports a broad range of basic research in the biological sciences, is well equipped to perform this basic research that will help us develop more sustainable approaches to pest management, understand and manage unique environmental and health risks, and even discover ways in which modified plants could provide environmental benefits.

Mr. Chairman, this is critical research that the National Academy of Sciences has called for in a recent report. While I am not offering an amendment to this bill before us today, I do ask for your help in raising the profile of this very important issue as you proceed with the bill.

Mr. BAIRD. I would like to thank the gentlelady for bringing this issue to our attention. It is indeed an important area of research for our Federal Government, and for NSF in particular. I appreciate and respect very much your continued interest and leadership on this. We would be happy to work with you as we proceed towards conference about raising the profile of this issue and the importance of this research.

Ms. WOOLSEY. Thank you, Mr. Chairman. I look forward to working with you.

Mr. BAIRD. Mr. Chairman, I reserve the balance of my time.

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

Mr. BAIRD. Mr. Chairman, to close, let me just once again express my deep gratitude and tremendous respect to Dr. EHLERS for his leadership, not only now as ranking member, but over the years he has served on this committee. Quite literally there has been no more tireless and effective advocate for this legislation and for science in general than Dr. EHLERS. We all respect and admire that and appreciate that greatly.

I also want to express my appreciation to Chairman GORDON, whom I acknowledged earlier and thanked for his leadership, Ranking Member HALL. I want to express a special gratitude to my own staff member, Hilary Cain, for her leadership on this and great counsel; as well as the committee staff, Jim Wilson and Dahlia Sokolov for their tireless efforts. They have spent hours and hours on this. We are grateful.

With that, as Dr. Ehlers and others have so eloquently said, this is a good bill, it is a bipartisan bill. It has the endorsement of a long list of sponsors, who I did not enumerate here in the interests of time, but virtually every major scientific organization as well as leaders in industry and in academia have endorsed this bill strongly. It is a bill that this committee and this body should pass. I urge its passage.

I urge a ''yes'' vote.

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

The 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.

No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Without objection, each section of the amendment shall be considered as read.

There was no objection.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1867

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 ''National Science Foundation Authorization Act of 2007''.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) DIRECTOR.—The term ''Director'' means the Director of the Foundation.

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given that term by section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18)).

(4) FOUNDATION.—The term ''Foundation'' means the National Science Foundation.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given that term by section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2008.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,500,000,000 for fiscal year 2008.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,080,000,000 shall be made available for research and related activities, of which $115,000,000 shall be made available for the Major Research Instrumentation program;

(B) $873,000,000 shall be made available for education and human resources, of which—

(i) $94,000,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $70,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $44,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $51,620,000 shall be for the Advanced Technological Education program established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $245,000,000 shall be made available for major research equipment and facilities construction;

(D) $285,600,000 shall be made available for agency operations and award management;

(E) $4,050,000 shall be made available for the Office of the National Science Board; and

(F) $12,350,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2009.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,980,000,000 for fiscal year 2009.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,457,400,000 shall be made available for research and related activities, of which $123,100,000 shall be made available for the Major Research Instrumentation program;

(B) $934,000,000 shall be made available for education and human resources, of which—

(i) $100,600,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $101,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $55,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $55,200,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $262,000,000 shall be made available for major research equipment and facilities construction;

(D) $309,760,000 shall be made available for agency operations and award management;

(E) $4,120,000 shall be made available for the Office of the National Science Board; and

(F) $12,720,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2010.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,493,000,000 for fiscal year 2010.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,863,200,000 shall be made available for research and related activities, of which $131,700,000 shall be made available for the Major Research Instrumentation program;

(B) $1,003,000,000 shall be made available for education and human resources, of which—

(i) $107,600,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $133,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $60,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $59,100,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $280,000,000 shall be made available for major research equipment and facilities construction;

(D) $329,450,000 shall be made available for agency operations and award management;

(E) $4,250,000 shall be made available for the Office of the National Science Board; and

(F) $13,100,000 shall be made available for the Office of Inspector General.

(d) MAJOR RESEARCH INSTRUMENTATION.—

(1) AWARD AMOUNT.—The minimum amount of an award under the Major Research Instrumentation program shall be $100,000. The maximum amount of an award under the program shall be $4,000,000, except if the total amount appropriated for the program for a fiscal year exceeds $125,000,000, in which case the maximum amount of an award shall be $6,000,000.

(2) USE OF FUNDS.—In addition to the acquisition of instrumentation and equipment, funds made available by awards under the Major Research Instrumentation program may be used to support the operations and maintenance of such instrumentation and equipment.

(3) COST SHARING.—

(A) IN GENERAL.—An institution of higher education receiving an award shall provide at least 30 percent of the cost from private or non-Federal sources.

(B) EXCEPTIONS.—Institutions of higher education that are not Ph.D.-granting institutions are exempt from the cost sharing requirement in subparagraph (A), and the Director may reduce or waive the cost sharing requirement for—

(i) institutions—

(I) which are not ranked among the top 100 institutions receiving Federal research and development funding, as documented by the statistical data published by the Foundation; and

(II) for which the proposed project will make a substantial improvement in the institution's capabilities to conduct leading edge research, to provide research experiences for undergraduate students using leading edge facilities, and to broaden the participation in science and engineering research by individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

(ii) consortia of institutions of higher education that include at least one institution that is not a Ph.D-granting institution.

(e) UNDERGRADUATE EDUCATION PROGRAMS.—The Director shall continue to carry out programs in support of undergraduate education, including those authorized in section 17 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–6). Funding for these programs shall increase in proportion to the increase in the total amount appropriated to the Foundation in any year for which appropriations are authorized by this Act.

(f) LIMIT ON PROPOSALS.—

(1) POLICY.—For programs that require as part of the selection process for awards the submission of preproposals and that also limit the

number of preproposals that may be submitted by an institution, the Director shall allow the subsequent submission of a full proposal based on each preproposal that is determined to have merit following the Foundation's merit review process.

(2) REVIEW AND ASSESSMENT OF POLICIES.—The Board shall review and assess the effects on institutions of higher education of the policies of the Foundation regarding the imposition of limitations on the number of proposals that may be submitted by a single institution for programs supported by the Foundation. The Board shall determine whether current policies are well justified and appropriate for the types of programs that limit the number of proposal submissions. Not later that 1 year after the date of enactment of this Act, the Board shall summarize its findings and any recommendations regarding changes to the current policy on the restriction of proposal submissions in a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

(g) RESEARCH EXPERIENCES FOR UNDERGRADUATES.—The Director shall increase funding for the Research Experiences for Undergraduates program in proportion to the increase in the total amount appropriated to the Foundation for research and related activities in any year for which appropriations are authorized by this Act.

AMENDMENT NO. 1 OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HONDA:

At the end of section 3, add the following new subsection:

(h) GLOBAL WARMING EDUCATION.—

(1) INFORMAL EDUCATION.—As part of Informal Science Education activities, the Director shall support activities to create informal educational materials, exhibits, and multimedia presentations relevant to global warming, climate science, and greenhouse gas reduction strategies.

(2) K–12 INSTRUCTIONAL MATERIALS.—As part of Discovery Research K–12 activities, the Director shall support the development of K–12 educational materials relevant to global warming, climate science, and greenhouse gas reduction strategies.

Mr. HONDA. Mr. Chairman, I would like to thank Chairman GORDON and Chairman BAIRD for the support of my amendment, and the Science Committee staff for their assistance in putting this amendment together.

I would also like to thank the chairman and ranking member for their excellent work on the National Science Foundation Authorization Act of 2007. I strongly support the work of the National Science Foundation, and as a cosponsor of this legislation, I urge my colleagues to support this passage.

Some years ago, I was a high school science teacher, and I clearly remember my students stopping me during one of my favorite lessons to ask the timeless question, why do I need to know this? Science is difficult. Global warming is hard to understand also. Some people are asking, why do I need to know this? Hundreds of years ago, Galileo and Sir Isaac Newton made remarkable discoveries about gravity and the behavior of falling objects, but to this day, most people couldn't explain the law of gravity or what determines the speed of a falling object if they had to. Most of the time people can go on with their lives, their everyday lives, without understanding scientific concepts, suffering no ill effects. You don't need to understand gravity to keep from falling. You don't need to understand your lungs in order to breathe. But global warming presents a new kind of a problem.

□ 2000

The understanding of global warming will play a significant role in our ability to actually address the problem. And, we don't have much time. Global warming will cause significant impacts, including shifting weather patterns, drought, rising sea levels, and disrupted wildlife migration patterns.

Nearly every point on the globe is getting warmer, and the debate is no longer if, but when, these changes will occur.

These threats are the most natural consequences of a worldwide overreliance on fossil fuels and destructive, wasteful use of resources. We have lived on the earth, but we have not yet learned to live with the earth.

But we can't just give in to the fear and the sense of helplessness. We can turn the tide of global warming if we have the knowledge. That is why we need to know this.

My amendment will allow the National Science Foundation to support the creation of K–12 science curriculum, informal education materials, exhibits, and multi-media relevant to global warming, climate science, and greenhouse reduction strategies.

The education provided by this amendment will help people of all ages and backgrounds to make choices in their daily lives and in their communities to stop global warming. They will learn about the complex interrelationships between natural cycles and human activity. They will understand how their own actions and their own informed choices can heal the earth. This amendment by itself is, however, not the answer. A comprehensive and sustainable energy and environmental policy will require the expanded use of green energy such as solar, wind, and geothermal. We will also need to continue to find ways to reduce carbon dioxide emissions from transportation, from industry, and energy production. We need to increase the efficiency of energy use and transmissions, especially in buildings. We need to change much more than just our light bulbs. But people need to know why we need these things, and this amendment provides for that.

I urge my colleagues to support my amendment.

AMENDMENT OFFERED BY MR. SULLIVAN TO AMENDMENT NO. 1 OFFERED BY MR. HONDA

Mr. SULLIVAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SULLIVAN to the amendment offered by Mr. HONDA:

At the end of paragraph (1), insert the following: ''Such materials, exhibits, and multimedia presentations shall reflect the diversity of scientific opinion, including the diversity of opinion regarding the impact of human activities on climate change, and shall also reflect the impact of greenhouse gas reduction strategies on developing nations, United States energy security, United States energy costs, the global and United States economy, low income and middle class individuals, and those on fixed incomes.''.

At the end of paragraph (2), insert the following: ''Such materials, exhibits, and multimedia presentations shall reflect the diversity of scientific opinion, including the diversity of opinion regarding the impact of human activities on climate change, and shall also reflect the impact of greenhouse gas reduction strategies on developing nations, United States energy security, United States energy costs, the global and United States economy, low income and middle class individuals, and those on fixed incomes.''.

Mr. BAIRD. Mr. Chairman, I wish to reserve a point of order on this particular amendment.

The CHAIRMAN. The point of order is reserved.

Mr. SULLIVAN. Mr. Chairman, I believe Mr. HONDA is right on track with this amendment. However, I believe my amendment will strengthen his amendment.

Simply, my amendment ensures that children are educated on all aspects of global climate change, from global warming, climate science, and greenhouse gas reduction, to human activities on climate change, and the impact of greenhouse gas reduction strategies on developing nations, U.S. energy security, U.S. energy costs, and the global and U.S. economies.

The decisions we make today in this Congress will not only affect our children but will affect many generations to come. As the father of four children, I feel it is imperative that they know all the viewpoints on an issue so that they can make an educated decision. It is important that they obtain knowledge through schools and their parents to make informed decisions, especially when those decisions will affect the environment and the economy.

Our children are our country's future. What a bright future they have ahead of them. Every time I look at my four children, I think of the tough choices they will have to make on the road ahead, and hope that my wife and I have taught them to make the best decisions possible. I know that, between the education they receive at home and the education they receive at school, they will be well equipped to face the important choices later on in life.

It is important to me that the science education they receive in school reflect the diversity of scientific viewpoints on this very important issue. This is something my friends on the other side of the aisle have long advocated for and something my amendment achieves.

With 36.4 million elementary school-aged children and 16.8 million high school-aged children in our country, it is obvious that the science education they get today will dramatically affect their future tomorrow.

Thanks to advanced technologies, today's science classes are much more advanced than the ones I took when I was in school. Yet there are so many viewpoints out there on scientific subjects, especially climate change, it is sometimes difficult to present all views fairly to them. However, I feel that this is important, especially on an issue as sensitive and politically charged as global climate change.

Our children are our future, and we owe it to them to provide them with the best most balanced education possible. My amendment will help achieve that by presenting all viewpoints to students in kindergarten through 12th grade. My colleagues on the other side of the aisle have long called for all scientific positions to be heard, and my amendment achieves this. I encourage all my colleagues to support this amendment and ensure that all students receive fair and balanced scientific education.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. BAIRD. I continue to reserve.

The CHAIRMAN. The point of order is reserved.

Mr. BAIRD. Mr. Chairman, I appreciate the sense of what the gentleman is raising with his second order amendment. Having taught science myself, I believe it is absolutely important to share different sides of it. My concern is I think you are sort of micromanaging the education process, however, positive your intent may be. And the gentleman himself just acknowledged that students from K–12 need to have balanced information.

I question whether we really want to mandate that a kindergarten teacher educate her or his students on the impact of greenhouse gases on U.S. energy security, global developing nations, et cetera.

I think it is a fair point and absolutely an important point that we present different sides of this issue, and I applaud the gentleman for raising that.

I would, however, note that the International Panel on Climate Change, which we have had two hearings of in this committee, has clearly unanimously agreed on some general principles: That the climate temperature is increasing; that humans are significantly responsible for at least a substantial portion of that increase; and, that it will have very important consequences for the well-being of the world.

So one of the problems I have is the gentleman's amendment would seem to suggest that there is an equal weight of evidence against that perspective as there is in favor of it. And I don't recall if the gentleman attended those two hearings, but if he did, I think it was pretty clear that scientists from around the world do not consider that there is an equal weight among those who might refute the evidence of global warming and the human causes thereof.

It is absolutely legitimate that we look at the pros and cons of the various strategies to remedy that; but to micromanage it in this way, which is not what the gentleman from California's initial amendment did, I think is a mistake. I certainly wouldn't want a kindergarten teacher who is trying to educate his or her students about the potential problems of global warming to say, ''Oh, my goodness. I don't have in my curriculum for these 5-year-olds a lesson on the impact of greenhouse gas on developing nations or United States energy security.'' I think a kindergarten teacher might be much more likely to say, ''Hey, kids the world is getting hotter. You and I and your folks can have a role in trying to reduce that problem, and it is in all of our best interests to do so.''

I would hate to see a kindergarten teacher micromanaged like this, however well-intentioned the gentleman's amendment is. And I still reserve the point of order, but if we don't succeed in that, I certainly urge opposition to this at this point.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. BAIRD. Mr. Chairman, at this point I will withdraw the point of order, but I would urge opposition to this amendment.

The CHAIRMAN. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) to the amendment offered by the gentleman from California (Mr. HONDA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SULLIVAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma to the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. WELDON of Florida:

In section 3(a)(1), strike ''There'' and insert ''Except as provided in paragraph (3), there''.

At the end of section 3(a), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2007 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2008 is less than $17,309,400,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2008 is less than $3,923,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2008 is less than $6,791,700,000.

In section 3(b)(1), strike ''There'' and insert ''Except as provided in paragraph (3), there''.

At the end of section 3(b), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2008 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2009 is less than $17,614,200,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2009 is less than $4,312,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2009 is less than $6,710,300,000.

In section 3(c)(1), strike ''There'' and insert ''Except as provided in paragraph (3), there''.

At the end of section 3(c), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2009 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2010 is less than $18,026,300,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2010 is less than $4,757,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2010 is less than $6,625,700,000.

Mr. BAIRD. Mr. Chairman, I wish to reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved.

Mr. WELDON of Florida. Mr. Chairman, I want to commend the authors of this piece of legislation, and make very clear that I am a strong supporter of the National Science Foundation. Indeed, I have an undergraduate degree in a science field, biochemistry. I did basic science research as an undergraduate, and I fully recognize the need for this country to make a significant increase in our investment in basic science research as the kind of research that comes through the National Science Foundation.

My concern before the committee today is that the National Science Foundation is in the same budget category as NASA; and already, the new majority this year has chosen to significantly cut funding to NASA.

Specifically, over one-half billion dollars was reduced out of the NASA budget to fund the replacement for the space shuttle. The replacement for the space shuttle is badly needed. Our shuttle fleet is aging, and indeed we are looking at a scenario in the early part of the next decade where we will not have the capability of putting men and women into space. And we, the United States of America, the greatest country in the world, will be relying on the Russians to put our astronauts into space for many, many years. And, that the further reductions in NASA that will put forward by the new majority have the potential to lengthen that period even further, and possibly perhaps permanently cripple our manned space flight program.

So my amendment is very simple and very straightforward. Basically what it says is that we are not going to cut NASA for the purpose of plussing up the National Science Foundation. I believe we need to fund both of these programs, and that is my goal and that is the purpose of my amendment.

I think one of the things that the authors of this bill keep talking about, which is very revealing and I think very important to the debate we are having right now, they talk about the importance of training kids in math and science, and that we are falling behind in our international competitiveness. But I can tell you, when I talk to teachers all across the country about what motivates our young people to study math and science, it is not the level of grants that are coming out of the National Science Foundation, it is actually our space program and an enthusiasm for the possibility or the chance that they might some day be able to participate in the space program, the manned space flight program in particular that motivates our kids.

So I think these two programs are really linked at the hip, and I think it is important that we do not fund one at the expense of the other. The current language in this bill has the potential to create that climate, and so I think it is critically important that the point of order be waived and that my amendment move forward and be approved by this body.

Mr. BAIRD. Mr. Chairman, I continue to reserve the point of order, but I would like to move to strike the last word.

The Acting CHAIRMAN (Mr. ANDREWS). The point of order is reserved.

Mr. BAIRD. Mr. Chairman, I very much appreciate and admire and respect the gentleman from Florida, and I understand full well where he is coming from. He has been a passionate supporter of our manned space program, and I share some of his concerns about the impact on that budget. I do think, however, that his offsets are wrong, and that is why I reserved the point of order which in just a moment I will press.

□ 2015

There are many, many places in the Federal budget where we could find possible money to support the gentleman's aims, many within, for example, the Commerce appropriations bill.

It is possible for the gentleman to adjust revenue impacts of tax cuts. It would be possible for the gentleman to seek offsets or matches through funding for the war in Iraq, which is burning about $2.5 billion per week from our economy.

So if the gentleman is interested, as I know he is, in supporting space flight and continued investment in that, I would suggest that more appropriate offsets are available elsewhere in the Federal budget.

And I would also say it would be just terribly unfortunate to hold the Science Foundation budget, which this bill authorizes, hostage. You've got the wrong hostage. There are other places where lots more money is being reduced from the revenue stream or being expended on things that may not be in the best long-term national interest of this country. And for that reason, and for the fact that I actually consider the amendment nongermane, I will have to oppose it.

POINT OF ORDER

Mr. BAIRD. At this point, if it's appropriate to do so, I would wish to press the point of order with the Chair, if that's appropriate procedure at this point.

The Acting CHAIRMAN (Mr. ANDREWS). Will the gentleman state his point of order?

Mr. BAIRD. Mr. Chair, I have reserved a point of order. The amendment offered by the gentleman is not germane to the bill it is amending and, therefore, violates clause 7 of rule XVI.

The underlying section of the bill being amended is specific to the National Science Foundation, while the amendment introduces another unrelated agency, NASA, so the subject matter of the amendment is different than the underlying bill.

In addition, the amendment places an unrelated contingency on the authorization of NSF funds. On this point I would cite Deschler's Precedents, Chapter 28, 31.22.

Lastly, the purpose of the underlying section of the bill is to authorize appropriations for NSF, while the amendment seeks to affect the appropriations for NASA, so the fundamental purpose of the amendment is different from the underlying provision, and the scope of the underlying provision is significantly enlarged, and, therefore, I would urge that the amendment be ruled out of order.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just simply point out to my friends on the other side that this amendment was duly and appropriately presented to the Rules Committee. The Rules Committee has all of the availability of the parliamentarians and the appropriate expertise to be able to determine whether or not the amendment should be made in order. They determined, in their wisdom, that it should be made in order. And therefore, I would hope that the Chair would rule that, in fact, this amendment is appropriate, and that it addresses an issue that is of importance to the gentleman from Florida and importance to this Nation; and I would hope that we'd move forward with the amendment.

The Acting CHAIRMAN. Is there any other Member who wishes to be recognized on the point of order?

Mr. WELDON of Florida. Mr. Chairman, I wish to be recognized on the point of order.

Mr. Chairman, I believe that it is inappropriate to exercise a point of order on this amendment. It's quite clear that the NASA budget and the National Science Foundation are within the same budget category, function 250, and that there's a strong relationship between increasing the National Science Foundation that it can have a negative impact on NASA.

Furthermore, as my friend from Georgia just indicated, we have moved several bills through this body. Just today we did one where multiple points of order were waived. And the bottom line here, in my opinion, is NASA a priority for the new majority in this Congress. I don't believe it is. I don't believe it's a sufficient enough priority, and I ask that the point of order not be sustained.

The Acting CHAIRMAN. The Chair is prepared to rule on the point of order, seeing no other Members who wish to be recognized.

The gentleman from Washington makes a point of order that the amendment offered by the gentleman from Florida is not germane. The test of germaneness is the relationship of the amendment to the pending portion of the bill, section 3.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. One of the central tenets of the germaneness rule is that an amendment may not condition the effectiveness of legislation pending an unrelated condition. Examples of this principle may be found in the Deschler-Brown Precedents, chapter 28, section 30.

The amendment offered by the gentleman from Florida proposes a condition on the level of authorizations contained in section 3. The condition relates to funding levels for the National Aeronautics and Space Administration. The activities of that separate entity are not related to an authorization for the National Science Foundation. As such, the amendment proposes an unrelated condition.

The amendment offered by the gentleman from Florida is, therefore, not germane. The point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Would it have been possible for the Rules Committee to propose a rule to the House to waive the rule under which the Chair has just ruled this amendment out of order?

The Acting CHAIRMAN. The gentleman does not state a parliamentary inquiry. The gentleman's question is hypothetical.

Mr. PRICE of Georgia. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman from Georgia will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Chairman, isn't it true that the Rules Committee has the authority to waive the rules under which this House operates so that certain amendments may be brought to the floor?

The Acting CHAIRMAN. The Chairman of the Committee of the Whole can only comment on the rule in operation for this bill.

Mr. PRICE of Georgia. I thank the Chair.

AMENDMENT NO. 5 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAMPBELL of California:

At the end of section 3, insert the following new subsection:

(h) LIMITATION.—None of the funds authorized under this section may be used for research related to—

(1) archives of Andean Knotted-String Records;

(2) the accuracy in the cross-cultural understanding of others' emotions;

(3) bison hunting on the late prehistoric Great Plains;

(4) team versus individual play;

(5) sexual politics of waste in Dakar, Senegal;

(6) social relationships and reproductive strategies of Phayre's Leaf Monkeys; and

(7) cognitive model of superstitious belief.

Mr. CAMPBELL of California. Mr. Chairman, we have a budget problem here in Washington, the Federal Government. The budget that was recently passed off of this floor has a deficit in it, continues that deficit for the next 4 years. It has a tax increase in it, the largest tax increase in American history, going forward. And it also continues to raid the Social Security funds, take the Social Security surplus that we have and spend it on things that are unrelated to Social Security. So we have a budget crisis going on.

What this amendment does is it says that there are certain things upon which we should not be spending money through this bill during this time of budget deficits, stealing Social Security funds, and increasing taxes.

What this amendment does, it says there's just a couple of things that we should not be increasing the deficit by spending money on, and I quote, ''The Archives of Andean Knotted-String Records,'' or to study ''The Accuracy in Cross-Cultural Understanding of Others' Emotions.''

This amendment also says that we don't want to increase spending and, therefore, increase taxes in order to pay for a study of ''Bison Hunting on the Late Prehistoric Great Plains'' or ''Team Versus Individual Play'' or ''The Sexual Politics of Waste in Dakar.''

And it also says that we don't want to increase spending and spend any of this money in this authorization and, thereby, be continuing to raid the Social Security Trust Funds in order to study ''The Social Relationships and Reproductive Strategies of Phayre's Leaf Monkeys'' or ''The Cognitive Model of Superstitious Belief.''

Now, Mr. Chairman, I understand that there is a process of peer review from which these studies come in the National Science Foundation, and that's all well and good. But our job here is we are the elected representatives and stewards of the taxpayers' money, not the academics in the National Science Foundation, and it is our decision whether or not we wish to spend taxpayers' funds on studies of the social relationships and reproductive strategies of Phayre's leaf monkeys or on bison hunting on the late prehistoric Great Plains. I think we should not do that.

I am sure that some believe that these are very fine academic studies. That's excellent. Within the realms of academic halls, they may think a number of things are fine academic studies. That's not the question.

The question before us is, do these things rise to the standard of requiring expenditures of taxpayer funds in a time of deficits, proposed tax increases and raiding Social Security funds? I think the answer is a resounding no. I think the answer should be a resounding no, which means that I would hope that the vote on this amendment would be an equally resounding yes.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

I appreciate the gentleman's comments about the budget deficit, and I would first suggest that the deficit rose to historic levels under the leadership of the former majority party, largest deficits in the history of this country, indeed, were accrued with President Bush and the former majority.

Looking to these studies, some of which are $10,000, now absolutely we must make sure that we spend all the taxpayer dollars wisely. But let me just share with you what the American Association for Advancement of Science, probably the most prestigious scientific body in this country, has said. Prohibiting specific grants sets a dangerous precedent for scientific research that has progressed and advanced for decades through freedom of inquiry into a broad spectrum of subjects. While congressional oversight of Federal programs is, of course, important, second-guessing peer review in this way could compromise the fabric of our public research enterprise one thread at a time. Therefore, we urge you to oppose such amendments.

Similar sentiments have been voiced by the Association of American Universities.

And I would be tempted to ask the gentleman from California, except he's already stated his piece, why he would be opposing research that has been supported by the United States Army Research Institute; that is seen as critical to the security of our troops serving in Iraq.

Now, my wager is the gentleman's saying to himself right now, I have no idea what the chairman is speaking about here. And that's the problem. When you look at a cursory examination of the title, or an abstract, you don't have an idea. That's why we have peer review.

Which particular study am I talking about? I'm talking about the Study of the Accuracy of Cross Cultural Understanding of Others' Emotions. What we are talking about here is if you're going to be dealing with people from another culture, and you misread their expression of emotions, it can cost you your life, your buddies their life, or the innocent civilians their lives. The U.S. Army Research Institute believes this is important, and they support the basic elements of this kind of study.

I also am not sure, the gentleman seems to suggest, it seems, that we here in the Congress, with a cursory evaluation of the abstracts from studies, should insert ourselves in the peer-review process. I wonder if the gentleman had looked at chemistry research or physics research in the same way, and do we really want to spend this body's time, and do you, sir, or you, sir, have the expertise to evaluate these studies? That's why we have a peer-review process. That's why we have a National Science Foundation. It is why we have a Science Foundation Board to direct us.

I absolutely agree that if taxpayer dollars are going to be spent on research, it is incumbent upon the scientist to do the research well, ethically, responsibly, and that it be relevant. But I do not believe it is the place of either side of this aisle to single out particular studies, as has been done in this case, and presume that with a 5-minute examination we know better than peer reviewers who have the degrees in the relevant fields and have spent years studying them and have evaluated them. That is a dangerous precedent to set, and I would urge strongly opposition to this amendment and a similar one which will emerge shortly for the sake of our soldiers.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

These are always very difficult questions, and I have learned long ago never to judge the research by the title of the proposal. These are complex issues, and I don't know if the gentleman was here earlier when I spoke about the rate of return on research at the National Science Foundation. The best estimate is that the rate of return is a minimum of 20 percent and a maximum 400 percent on individual research projects.

□ 2030

Now, I challenge anyone in this Chamber to find investments that will year after year give you that rate of return on the investment.

Another point I would like to make is, as I said, you can't always judge the full proposal by the title. This was evident a few years ago when we went through exactly the same charade when discussing the National Science Foundation budget. Some of my colleagues came down to the floor to amend the NSF appropriations bill, and one offered an amendment to remove grants for the study of ATM. This person gave a magnificent speech why we should not spend money at the National Science Foundation or the Department of Energy to study ATM. His argument was, let the banking industry do the research on ATMs. What he didn't know is that the proposal was not on automatic teller machines but the proposal was on studying asynchronous transfer modes, which involves the way computers talk to each other. This research led to a substantial change in the speed at which computers were able to talk to each other. This is a good example of why it is dangerous to just look at titles and make a judgment.

I would also pick up on the comment of Mr. BAIRD about cultural studies. I think one of the basic problems in Iraq, and I have told this to people in the White House, is that there were not enough people in the White House, perhaps even in the State Department, who understood the culture of the countries we were dealing with, and we failed to realize what would happen once we moved into that country. A good NSF-funded study beforehand would have been invaluable in determining what would happen.

Another example: a few years ago there was a grant on game theory. Once again, one of our colleagues rushed to the floor and said we have to eliminate funding for that. In fact, game theory is extremely useful in calculating the operation of nuclear reactors.

So I urge defeat of this amendment. It is very easy to sit on the House floor and pontificate about these issues. But if we are going to cut the budget, there are much more fertile fields in which to cut. Why would we cut the one agency that gives us a guaranteed rate of return on our investment when there are many other areas we can cut where we are getting little or no payback at all?

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I appreciate the comments of my good friend from Michigan, and I appreciate the comments of my fellow colleague from Washington. And I have been, as a physician, a strong supporter of the National Science Foundation. I believe strongly that, in fact, they need more money, not less. I would argue that we need to prioritize appropriately in our Federal budget and provide much greater resources in the National Science Foundation and the National Institutes of Health and the CDC and others that ultimately work and derive huge benefit to our entire society and, in fact, to the world.

But I commend my good friend from California for bringing this amendment forward because, although I may not have pulled out a couple of the items that he notes, for the life of me, I have a difficult time understanding and appreciating why on earth it would make any sense, and I would ask my good friend from Washington can you fathom how studying bison hunting on the Late Prehistoric Great Plains might have some effect on contemporary society that would make a difference with the compelling argument that you made regarding the study of cross-cultural emotions?

Mr. BAIRD. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I would be happy to yield.

Mr. BAIRD. Mr. Chairman, I thank very much the gentleman for yielding. And I would just caution I wouldn't state ''for the life of me'' on something that I hadn't studied very well no matter how obvious it may look.

Mr. PRICE of Georgia. I would be happy to reclaim my time or I would be happy to have you answer the question, one or the other.

Mr. BAIRD. I could answer the question. I am just giving you the caveat about staking your life on things.

Here is the issue: I don't think we want to say that we should never study the history of things. It is the perspective of this gentleman that we should not study history. And particularly, when you look at bison, I am not an expert in this, but to pretend to be so would be a mistake. To pretend to be so on your side or on my side would be a mistake. The authors of this study have contended that biologists and social scientists have tried to look at how humans make decisions to maximize and minimize risks in different environmental conditions. As you face different food supply systems, how do you deal with that? And that is part of the point here. How did people who live on the plains look at where they were going to harvest bison?

Mr. PRICE of Georgia. Reclaiming my time, Mr. Chairman, I would suggest candidly that it was a valiant attempt. It was truly a valiant attempt, and I appreciate the attempt, to make a justification for bison hunting on the Late Prehistoric Great Plains. I would also suggest that the sexual politics of waste in Dakar, Senegal is a questionable study.

So I commend my good friend from California, and I would be happy to yield to him.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Georgia for yielding.

I appreciate the academic arguments, and I understand them. I am a history buff myself. I love this stuff. I might actually love this report, might enjoy reading it, might find it fascinating. That's not the point. The point is do we want to spend taxpayer funds on this?

The United States taxpayer cannot fund every bit of academic research for every university, for everything that every professor wants to do across this country. We can't do that. The question before us is, are these the sorts of things we do want to spend taxpayer money on? I would suggest that they are not, and that is why I would suggest that to vote against this amendment is to say that you believe that taxpayer money should be spent on these specific items. That is the question before us. Not whether it is interesting. I am a Civil War buff. I love all kinds of interesting stuff about that, but I don't think the taxpayer ought to pay for research into it.

Mr. PRICE of Georgia. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments, and I would concur. I think that there are many things that are exciting and interesting to study, whether or not they ought to be priorities at this point, and again, I would point to the bison hunting on the Late Prehistoric Great Plains.

And if my good friend from Michigan would care to make a comment, I would be pleased to yield.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

I just want to respond to the statement that we can't fund every proposal that comes along, and that is absolutely true. The National Science Foundation funds a small fraction of the proposals that come through, and that is why we are beginning to slip as a Nation compared to other nations, because we are simply not, as a Congress, providing sufficient funds for the National Science Foundation. And I forget the current figure, but I think it is in the neighborhood of 20 percent of the grant applications are being funded; 80 percent are not being funded. It's a tough business, and these are all peer-reviewed grants. I cannot defend them individually without looking at them. As I say, you can't judge a proposal or a grant by its cover.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

I rise in opposition to the amendment, and I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Chairman, I thank the gentleman from Virginia for yielding.

The challenge here, my friends, is you asked, I think, a question that is

just improperly placed. Neither of us is trained in these areas. You are challenging a fundamental tenet of how we do National Science Foundation research. If you truly believe that the most cost-effective use of this body's time, and that we are qualified to use our time in that fashion, is to, one by one by one, review National Science Foundation grants for our considered and qualified judgment of the appropriateness of those grants, it seems to me that that is a bit of a stretch. It seems to me that you are really making a political statement.

If the political statement you want to make is we should spend the taxpayers' dollars wisely, I, 100 percent, agree. You may not know it, and probably don't, that we are working with the National Science Foundation to establish a letter actually that scientists that receive public grants would have to sign saying they understand the money came from the taxpayers, they are committed to doing research that is well designed and ethically high quality and that is relevant.

The problem for us, in this brief time we have here and lacking expertise in the field, is it is really presumptuous of us on either side to say I can either attack or defend. I would yield time to either of you if you want to tell us what your personal qualifications are in the area of expertise of any of these studies, and I will hold you to it. What personal qualifications do you have in the broad area of this study to speak to that study?

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from California.

Mr. CAMPBELL of California. We are qualified by virtue of the fact that we have been elected by people in our districts to be stewards of their money. As I said, this is not a question of whether or not these things have academic merit within a field of academics. It is a question of whether they are worthy of spending taxpayer money in that area. I think they are not.

Mr. SCOTT of Virginia. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Washington.

Mr. BAIRD. Let me just share with the gentleman the dangerous path you are on. There was a study some time back dealing with the sex life of the screw worm, perhaps aptly noted. The sex life of the screw worm, that would be pretty tempting to come to the floor and say, by God, why are we spending taxpayer dollars studying the sex life of screw worms? The reason being that that research saved the cattle industry millions of dollars by eliminating a parasite that deposited eggs in the placenta of newborn cows.

We don't have the knowledge. We are indeed stewards of the taxpayers' money, which is why we created the National Science Foundation, why we are very careful about designating how the peer-review process works, and, quite frankly, why we shouldn't mess with that peer-review process. If we truly want to be stewards of the taxpayers' money, which I believe all of us want to be, then our best approach is to delegate some of the decision making about where some of that money is spent to those who best know the realm in which the research is spent. It is precisely because I believe in the task of being a steward of the taxpayer dollars that I oppose the general purpose of the amendment.

I understand you are trying to save money. I just don't think our best way to do so is by micromanaging either this or most of the other foundations.

And I thank the gentleman from Virginia for yielding.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Just a couple of points and then I will yield.

I agree with the gentleman that in some respects, perhaps, this body should not be engaged in micromanaging various aspects of the Federal Government where we do not have expertise.

Earlier today, and in just the past week, we had a complete debate on that subject of whether this body, all 535 Members, were in appropriate position to micromanage the war, and I think some of us thought that we were not in the best position but that we should have, just as you are suggesting here, the trained professionals, the experts, the people on the field who are engaged in this activity on a daily basis make those decisions.

So I would agree with the gentleman there. And if we were to have consistency, then we should not be engaged in that matter and we should not be engaged in this case.

Let me make my second point and that is this: It is not incumbent upon the gentleman from California to be the expert in these areas that he is raising questions about. The underlying bill is not the gentleman from California's bill. It is the majority party's bill. It is your bill. You are coming to the floor making the case, or I should say the other side of the aisle, as I am speaking to the Chair, making the case that we should be spending all this money on these programs. So it is incumbent upon the offerer of the underlying legislation to make the case why we should be doing it and have the information why each one of these is justified so that when either the gentleman from California or Georgia raises the legitimate question, the same question that we are going to get when we go back to our constituents and are asked why did we vote on it, he should be making the justification for that.

With that, I will yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from New Jersey for his comments. And he is making a very apt point.

And I appreciate the comments of my good friend from Washington, who said, and I think it got down correctly, ''We are neither trained nor have expertise in this area.'' And you are absolutely right. But consistency is a wonderful thing and inconsistency is a challenge.

□ 2045

I would suggest that none of us are pure in this area, but my good friend talks about we ought to delegate decisionmaking to authorities who have expertise, and we should. As a physician, I am compelled and have strong affinity for all of the advocacy groups that come to my office, as I know they come to yours, and advocate on behalf of specific diseases. Most recently this week, the folks who have suffered under the scourge of breast cancer have come, and they are asking for more resources. And I always suggest to them that it is appropriate for those decisions to be made by individuals at the National Science Foundation, at the CDC, at the National Institutes of Health. But, in fact, what my good friend from Washington does all the time, in his capacity in Congress, is to determine exactly what that line item ought to be from an appropriations standpoint.

As a physician, the medical profession has suffered under the decisions that have been made in this Chamber and in the Chamber on the other side of this building because individuals thought they had greater expertise in the area of health care. And as my good friend from New Jersey clearly stated, and appropriately stated, that just this week we've been dealing with folks who believe they have greater expertise in the area of military competence and battles than our generals on the ground.

So I would suggest, Mr. Chairman, that my good friend from Washington is absolutely correct, that we ought to delegate in certain instances, but we ought to also utilize the prerogative that we have and the responsibility that we have as representatives in this body, representatives of our districts, and make certain that we are good stewards of the taxpayers' money.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. EHLERS. I thank the gentleman for yielding.

First of all, I'll make a deal with you; I won't make any judgments about medical research if you don't make judgments about NSF research.

The point of this really is that you cannot predict what will result from the research; that is the idea behind basic research.

Years ago when I was a graduate student at Berkeley, we were spending tremendous amounts of money to examine the behavior of elementary particles, protons, neutrons, mesons, and so on. And no one, even in the scientific community, could ever imagine any practical use for that. But later on the results from doing that research led to the development of a CAT scanner and

the MRI. Now, who would ever have thought that elementary particle physics would lead to major findings in medicine which every doctor relies upon today?

Mr. McNERNEY. Mr. Chairman, I move to strike the last word, and I yield to my good friend and colleague from Washington State (Mr. BAIRD).

Mr. BAIRD. I thank the gentleman from California. Just a couple of brief comments, and it's getting late, so we don't want to carry this forever.

I would suggest that we all agree that consistency is a very dangerous thing. If the gentleman talks about being consistent, I would ask the gentleman why they chose not to micromanage the vast expenditures of dollars, not even to have oversight hearings of the vast expenditure of dollars on the war.

If you really want to save the taxpayer dollars, we are burning $2.5 billion a week in Iraq. This entire bill is $21 billion over 3 years. We're talking about 3 full years to fund the basic scientific research of this entire Nation, from mathematics to physics to chemistry to social sciences. That's about 6 or 7 weeks or so of what you spend in Iraq. And yet when it came to oversight of the expenditures in Iraq, the majority, then-majority party was then just virtually silent. If you really want to save the taxpayers' money, and I do, you could have looked at that.

But let me suggest what the gentleman from New Jersey misrepresents. And I asked earlier if any folks on the other side were qualified to study this. The gentleman from New Jersey just doesn't seem to understand how this legislation works. He completely misrepresented when he said that it is incumbent upon the majority and the chairman who is bringing this forward to defend these studies. Sir, this bill does not authorize specific studies. That is not how the authorizing language for the National Science Foundation works. It would be ludicrous, and you should know that; and if you don't know it, you are not qualified to speak to this. But it would be ludicrous to suggest that when you authorize a foundation, that you are authorizing every single specific study or that you know what all those specific studies are. That's not how the National Science Foundation works. That's not how we authorize it. That's not how this bill functions. And it's indeed not how many, many of the authorizing bills function here. So to suggest that, to bring forward a broad authorization bill that gives responsibility to a foundation, one has to justify every single study is to misrepresent how this legislation works. And that's the problem. I think the gentleman either misunderstands or misrepresents how the legislation works.

I thank the gentleman from California for yielding.

The Acting CHAIRMAN (Mr. ANDREWS). The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. 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.

AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CAMPBELL of California:

At the end of section 3, add the following new subsection:

(h) REDUCTION.—Each of the amounts authorized to be appropriated or made available under this section shall be reduced by 1 percent.

Mr. CAMPBELL of California. Mr. Chairman, my colleague from Washington mentioned that he didn't think this last amendment that I proposed was the correct way to save money, so perhaps this is the more correct way; maybe this is something that he would find more to his liking.

H.R. 1867, this bill before us, would increase spending for the National Science Foundation by 9.9 percent in the first year, 7.4 percent in the second year and 7.3 percent in the third year, for an increase of over 25 percent over a 3-year period. Now, Mr. Chairman, that is an amount, and I, too, am someone who has sympathy for some of the things that the National Science Foundation does. However, even over the last few years where we have had very large percentage increases in our revenues to the Federal Government, they haven't been as large as this over the last 3-year period. In fact, in the next 3-year period, any of the prognosticators, whether it be the Office of Management and Budget or any of the other prognosticators, are not estimating that we will have a 25 percent increase in revenue over the next 3 years. So therefore, this proposes to increase spending at a rate greater than revenue is projected to increase over the next 3 years.

This amendment would simply reduce the amount of this increase by 1 percent per year. So instead of increasing by 10 percent the first year, it would increase by only 9; instead of increasing by 7.4 percent, the second year would increase by 6.4 percent; and 7.3 percent, it would increase by 6.3 percent in the third year. These are still large annual increases, larger than most taxpayers at home are likely to see the increases in their incomes, in their salaries, in their wages.

So this is just a small reduction. It does not deal with, as the gentleman from Washington mentioned, it does not specifically say what, it leaves that issue open. So, therefore, it does not interfere with the selection of these various proposals and research things that the gentleman from Washington just supported in the last amendment.

So with that, Mr. Chairman, I would ask for an ''aye'' vote.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, here's the problem with what the gentleman is proposing, however well-intentioned it may be. And I am deeply concerned; as the gentlemen know, I serve on the Budget Committee with some of the gentlemen who are speaking, and we are all concerned about the long-term deficit picture for this country. However, if you cut investments in scientific research and scientific education, in the long run you will increase the deficit of this country, and you will decrease our national security, our national health care and our national and international competitiveness. That is why this is a mistake.

And don't just take my word for it. The National Academies of Science, in Rising Above the Gathering Storm, a 2005 publication, called for more than a 10 percent increase; the U.S. Commission on National Security, the Hart-Rudman report, a similar level of increase; the President's Council of Advisers on Science and Technology, in their publication, Assessing the U.S. R&D Investment in 2003; a coalition of 15 industry associations, in the publication Tapping America's Potential, in 2005; the Council on Competitiveness in their publication, Innovate America.

This is not just a Democratic proposal or Republican proposal. I would remind the gentleman that this bill passed unanimously out of committee with bipartisan support.

I would also encourage you to ask your faculty administrators, ask your high technology industries, do you think this country is spending sufficient quantities on fundamental basic research and investment such as that funded by National Science Foundation? And do you think we are doing enough to keep our young people educated in science and math in ways such as supported by this legislation? I guarantee you most of them would say no. You would, I think, by this cutting, with due respect, significantly be impairing, and it sounds like a small measure, but remember, we are already falling behind in a number of areas in science and math, not only in the education, but in the applied fields.

This is consistent with President Bush's own administration request of a 7 percent per year increase. Again, this is a bipartisan approach, not a Democratic or Republican approach. The President has called for this. And again, as Dr. EHLERS said so eloquently earlier, our return on investment from research is profound. And when you cut that investment, I think you're cutting that return on investment.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

I will try to be brief. We have beat this subject to death, but I find it ironic that we talk about cutting the funding of the one agency that returns more on its money than any other agency does.

If we're talking about cutting the NSF by 1 percent, we should cut everything in the budget by 1 percent. And I might even vote for that if you are willing to cut defense by 1 percent; Cut every department, cut Social Security by 1 percent, and so on down the line. Then you might have something that would be worth doing. But to attack something that actually benefits this Nation, increases our health and wealth, and is allowing us to at least try to keep up with what other nations are doing, is utterly unrealistic.

I would point out, and I can show you graphs indicating that we are falling far behind other nations. We occupied the premier spot in research for a number of years. But now South Korea, as an example, is very rapidly getting very close to what we are spending on research as a percentage of GDP. I expect them to pass us in a few years.

It is incredible to me that we are supposed to be the brightest, most powerful Nation in the world, and yet we are losing ground compared to nations such as South Korea. If we are serious about competing with other countries, we absolutely have to keep investing our money in research, whether it's the National Science Foundation or whether it is the Department of Energy or the National Institutes of Health.

In addition to that, I would mention that the National Science Foundation is just about the lowest-cost research institution. We spend a lot less money in the National Science Foundation than we do in the Department of Energy, than we do in National Institutes of Health or that we do on NASA. One of the lowest costs with the highest rate of return, I don't see any reason in the world to cut the NSF.

Mr. Chairman, I will yield to the gentleman from California.

Mr. CAMPBELL of California. Just a short clarification, that this amendment does not propose a cut in the funding, it proposes to very slightly reduce the rate of growth from what was proposed. That is my only clarification.

Mr. EHLERS. I thank you for the clarification.

Mr. MCNERNEY. Mr. Chairman, I move to strike the last word, and I yield to my good friend from Washington State (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I will be very brief. I want to echo what the distinguished ranking member said.

The following countries are increasing their investment in basic research faster than this legislation would authorize, and they've already put the money up front. Listen to these countries and see if you think it is wise for our Nation to reduce its investment even further, and further fall behind: China, Taiwan, European Union, South Korea, Singapore and others. Do we seriously want to further reduce our investment in basic research if we want to keep our Nation competitive? I submit we don't, and I would urge defeat of this amendment.

I thank the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. 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.

□ 2100

AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GARRETT of New Jersey:

At the end of section 3, add the following new subsection:

(h) REDUCTION.—Each of the amounts authorized to be appropriated or made available under this section shall be reduced by 0.5 percent.

Mr. GARRETT of New Jersey. Mr. Chairman, I, too, echo the words of my colleagues who are in support of the overall funding of the National Science Foundation, and I offer this amendment to H.R. 1867, which I hope will provide incentives for the NSF to identify waste and any abuse within the Agency, but also, very importantly, to help identify those programs which are either underperforming or simply just not working.

I believe this legislation will help be a model of fiscal responsibility. It is similar to the legislation we just heard from in two respects. H.R. 1867 authorizes the National Science Foundation to increase their spending, which goes to the point of the gentleman from Michigan was saying before, by 7 percent, and again in 2009 and 2010.

The point we must make here, though, is inflation has remained constant during this same time period at around 3 percent. So when we purport to be so concerned about the taxpayers' dollars and the debt we are leaving our children, which I just heard from the gentleman from the other side of the aisle previously, how can we justify programmic increases for research that are actually more than twice the rate of inflation?

As I referenced before, when I go back to my constituents back at home in town hall meetings and the like, they are not seeing 7 percent increases in their wages and salaries. They are not seeing a doubling of their incomes and their family household incomes. They may be seeing that as far as their expenses are concerned. They are seeing all other sorts of increases in spending, such as gasoline prices and the like that they have to put up with, but they are not seeing the increases in income and expenditures that we are seeing in this bill.

I will comment on one comment that the gentleman from the other side of the aisle made before as far as being consistent. I think we heard the American public on this past election day. The American public is concerned about overspending by Congress. They want us to prioritize where our dollars go. They want to make sure that we are spending every dime efficiently and appropriately.

I have yet, however, to hear one suggestion from the other side of the aisle, either here on the floor or on the Budget Committee, on which I serve with some of the gentleman on the other side of the aisle, as to where we with can make some of those cuts. Instead, what we are seeing is a continual increase in spending.

Another point to make as well: Time after time our constituents come to our office quoting the discrepancy between authorization levels and appropriation levels. It is my hope that instead of having to disappoint them once again, that we set realistic authorization levels that may actually be realistic to the appropriation levels that come down the line. Let's be realistic, both on what we can do for our constituents and also what the appropriators may be doing with this bill later on.

I encourage my colleagues to support this amendment, because it is our duty simply as stewards of our constituents' money, the taxpayers' dollars, as we step forward to make an honest assessment of what we can afford and should afford the American taxpayer.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been over the basics. Let me just reiterate, this proposal for the increase in the National Science Foundation is thoroughly consistent with President Bush's own agenda. The competitiveness initiative calls for these kinds of increases. That is point one.

Point two: If we hope to maintain our competitiveness, if you look at the proportion of our economy today that is the direct result, and Dr. EHLERS illustrated a number of examples, but the direct result of research and inventions that have come out of funding by the National Science Foundation, a tremendous amount of our economic prosperity today came from those investigations.

As Dr. EHLERS so eloquently said, we don't know, ''we'' generally, not just we in the Congress, but especially we in the Congress, don't necessarily know which particular investigation, which particular study, is going to yield those profound results. But some will.

I will tell you, I just spoke to a scientist in my district last week and he

said to me, Congressman, the pipeline of U.S. scientists is drying up. You just really have to understand this. The pipeline of U.S.-based scientists is drying up, because the research funding is not adequate to meet the demand.

What is happening is many, many young researchers are either not entering the field or are dropping out of the field or abandoning potentially promising careers, promising not just for them, but for our society.

The hit rate, if you are a young researcher applying for a grant through NSF, your hit rate is low. You are going to spend a tremendous amount of effort applying for a grant, trying to further your research agenda, and your hit rate is going to be significantly low. That is demoralizing. It blocks important avenues of research that might yield promising results.

And when we make these cuts, it is easy for us. I agree that we have got a huge fiscal problem. But, again, I will tell you that if you look at the long-term drivers of the fiscal problems this country faces, nobody says it is that vast waste at the National Science Foundation that is driving this country into debt. That is not what they say. They say it is a combination of revenue, it is a combination of entitlement programs, it is a combination of defense. I agree we ought to debate those, but not on the back of the National Science Foundation, for goodness sake.

So I would urge defeat of this amendment for the same reasons I urged defeat previously.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the underlying bill, H.R. 1867, and rise to express my appreciation and thank the Science Committee for the bipartisan effort that they have always engaged in, and frankly, want, to thank them for the opportunity that I have had to serve on that committee for a number of years.

Usually we rise and say with great reluctance, I rise to oppose the amendment. I might say with great vigor I rise to oppose the amendment. Because as I served on the Science Committee for a number of years, I used to always start the hearings with the idea that science is the work of the 21st century, and certainly the National Science Foundation sets the framework for encouraging research and innovativeness.

I can't imagine that the distinguished gentleman who has offered this amendment would venture to argue with me, and I cite just a few examples that I think most of my colleagues and most of America frankly understand how our lives have been changed by simply these innovations. Of course, some of them were by private ingenuity and private concepts and funding possibly, but that was an America of yesteryear.

But where would we be without the Wright Brothers and the airplane? Where would we be without Thomas Edison and electricity and the light bulb? Even though as we move into the 21st century, we want to be protectors of the environment and certainly want to be conservationists, look how that has changed our lives. And what about the Internet, interestingly enough, one of the success stories of DOD research.

The most important part of it is the work that was created, the work that was created by these inventions and by the opportunities to allow our imagination to generate a better quality of life for Americans.

This bill, H.R. 1867, which, as I said, I enthusiastically support, creates work for the 21st century. It emphasizes the underserved. It encourages research to be done by Historically Black Colleges and Historically Hispanic Serving Institutions, and as well, to encourage diversity in science, technology, engineering and mathematics.

There is an important provision that mentions, of course, the intent of this particular legislation to determine how different minority groups are impacted by this funding, which is whether or not we can increase the number of underrepresented minorities in the science, technology, engineering and mathematics fields, and how we can increase women in these fields. For the time I have worked on the Science Committee as a former member of the committee, these were issues that we worked on together.

What the gentleman is trying to achieve with this across-the-board cut is amazing to me, because what he is actually saying to the world and to America is we are second rate. We don't believe in investing in the next generation of research. We don't believe in uplifting those who are interested in these disciplines to give them merit and worth.

I would ask the gentleman, though I am sure his rebuttal will be that we don't pay those dollars. I don't know if we do. What is a high school football or basketball coach worth? What is a college football, basketball or any other sport's coach worth? Can we not, as a Nation, make a commitment to the research community by affirming their importance?

Dr. EHLERS and Dr. BAIRD have worked together affirming the importance of research, and not closing the door of this important responsibility that we have.

I am fearful, Mr. Chairman, of where this Nation is headed when we pull back on the ability of our Nation to invest in the 21st century technology. NASA represents that, the NASA Space Station represents that, the centers represent that, the laboratories represent that.

We want to encourage this funneling, this pathway, if you will, this farm team of researchers, and this particular legislation does that by increased funding, by highlighting the underserved, and I believe doing a lot more.

Let me conclude by saying I had intended to offer amendment to ensure that Historically Black Colleges and Hispanic Serving Institutions would be a viable part of the legislation. As I have reviewed it, I know that the intent is there, and that we will look forward to working with the members of the committee and working with this Congress to make sure that the United States is creating work for the 21st century.

Oppose the amendment and support the bill for the betterment of America.

Mr. Chairman, I rise in strong support of H.R. 1867, the National Science Foundation Authorization Act of 2007. This bill is another important component of the new Democratic majority's Innovation Agenda, which is designed to make our Nation more able to compete successfully in the global economy.

Mr. Chairman, to ensure that the United States will continue to have a workforce ready for global competition, it is essential that we make a sustained commitment to federal research and development. The National Science Foundation is crucial to these goals, providing vital support to our Nation's science and engineering projects and researchers.

Created by the National Science Foundation Act of 1950, the National Science Foundation, or NSF, is tasked with the broad mission of supporting science and engineering. This agency provides funding for basic research across many disciplines, and offers support for merit awards, state-of-the-art tools, and instrumentation and facilities. The majority of the research supported by the NSF is conducted at U.S. colleges and universities.

This bill reaffirms our commitment to scientific excellence by reauthorizing the National Science Foundation (NSF) for three years and providing nearly $21 billion in funding for fiscal years 2008–2010. This legislation appropriates specific funding for each of the NSF's major accounts: research and related activities, education and human resources, major research equipment and facilities construction, agency operations and award management, the National Science Board, and the Office of the Inspector General. A number of specific programs within the science, technology, engineering, and math (STEM) educational categories are singled out as the recipients of funding. Additionally, specific funding is designated for Major Research Instrumentation (MRI) awards. By raising the cap for these awards, this bill allows the NSF to support a wider range of state-of-the-art research tools.

This bill contains many other important provisions. It requires an evaluation of NSF's role in supporting interdisciplinary research, and encourages university and industry partnerships. It encourages young investigators through a new grant program, and it requires a National Academy of Sciences report on barriers to and strategies for increasing the participation of underrepresented minorities in STEM fields.

The NSF ensures a continued national supply of scientific and engineering personnel, while promoting basic research and education across a wide array of scientific and technological disciplines. In the interest of both economic prosperity and military capability, the United States must continue producing a workforce knowledgeable to maintain technological competitiveness. If we are to do this,

this Congress must continue funding and strengthening science and mathematics education. Supporting this bill is an important step, and I strongly urge my colleagues to join me in supporting this legislation.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know my good friend from Texas did not intend to, but I would respectfully request the Chair make certain that he calls into order individuals who impugn the motive of other Members of this body. I think it is important that we not do that in this Chamber.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman.

Let me be the first, because I believe we are all distinguished gentlepersons, gentleladies and gentlemen, say that my remarks were to the value of this bill and to my philosophical disagreement with the author of this amendment, and certainly recognize that he is proud of America and all of the inventiveness that she has, and therefore any intent that might have been perceived by my words were only to glorify this bill and to celebrate our researchers and our science in this country.

Mr. PRICE of Georgia. Mr. Chairman, reclaiming my time, I appreciate the gentlelady's comments, and I would just respectfully suggest it might be appropriate to review the words that were spoken and reflect upon them.

Mr. Chairman, I would also suggest candidly that my recollection, I am not absolutely certain, but my recollection is that the Wright Brothers and Thomas Edison had no government subsidy, and the remarkable inventions that they came up with were without the benefit of government subsidy. That is not to say that government subsidy isn't appropriate for certain occasions, but I would suggest that those individuals had remarkable accomplishments without the kind of support that we are discussing today.

Mr. Chairman, I am pleased to yield to my good friend from New Jersey, the sponsor of the amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman from Georgia.

Mr. Chairman, I believe the other side of the aisle has mischaracterized what this amendment does when they speak of cuts and pullbacks from science and the Foundation. Nothing of the kind is in this amendment. Instead, we will still be increasing spending this year and next year and next year and next year up to $20.87 billion for these appropriated expenditures on the National Science Foundation, instead of $20.97 billion.

I am very much concerned about education and science and our research. Let me just add, I am also concerned about the education of our youth. My constituents are just as concerned about educating their kids and being able to afford to send their kids to college and how do they pay for that? My constituents are concerned about the health care and the medical expenditures for their families and how do they pay for that? My constituents are concerned about the housing for their family and loved ones, and how do they pay for that?

They are not seeing a 7 percent increase in their wages and salaries, even though each and every one of those things are just as vitally important to them as it is that we spend money on overall Science Foundation research in the United States of America.

□ 2115

This amendment would not cut spending by a dime. This amendment would simply limit the growth rate from 7 percent down to 6.5 percent. The last amendment was seeing it go down from 7 percent to 6 percent. This would be even less, from 7 to 6.5 percent. You would still be seeing a growth year after year after year. The NSF would still be allowed to expend their dollars on those critical areas that my friend from Georgia and the Members on the other side of the aisle are so concerned about for the betterment of this country.

I would implore the Members on the other side of the aisle that if we are to be consistent when we talk about the overall spending and revenue side for this Congress, that we stop doing what the other side of the aisle has done. They have only looked at the revenue side of the equation so far in the last 3 or 4 months, giving us the largest tax increase in America's history on the other hand, but have done absolutely nothing for the American public when it says how are we going to set priorities for the American public and what we spend money on, and how are we going to try to rein in spending for the American public as well. I think we need to do it on both sides.

Finally, regarding what the gentleman from Michigan said, I agree with him. If we can do it across the board for all of the other programs, I am right in line with him, and I support him on that endeavor as well. Let's start here, and I will be the first one to cosponsor any of his amendments to do likewise, decreasing the overall increases of spending that this government has.

Mr. PRICE of Georgia. Mr. Chairman, I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

Just briefly, I want to comment on a comment made by my friend from New Jersey about health care, a very, very important issue. But the only way we are going to be able to offer better health care to everyone is by reducing the cost.

One huge element of cost in health care is cancer treatment. Today at lunch I met with the latest seven Nobel Prize winners all of whom happen to be from America because we support this research.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. MCNERNEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

Just to continue, today the Science Committee had lunch with the latest Nobel Prize winners, all of whom are from America because we try very hard to provide funding for the research. They, I might point out, did the research a number of years ago. I hope we can continue to provide Nobel Prize winners by adequately funding the National Science Foundation and others.

But in speaking to the gentleman who got the award in physiology and medicine, he talked about his discovery and the impact it is going to have on cancer treatment. That is very likely to cause a substantial reduction in the cost of the treatment of cancer using his approach.

What does his approach depend on? That is the Human Genome Project which we started a number of years ago in NIH and were the first Nation to do that.

It is always amazing to me how discoveries that we find in one area can have application, and no one, I think, dreamed that when we did the Human Genome Project that we might find the cure of cancer there rather than in medicine. So it is very important that we continue funding the fundamental basic research so we can continue to enjoy the fruits of their research.

Mr. MCNERNEY. Mr. Chairman, I yield to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I appreciate the gentleman yielding, and I thank Mr. EHLERS for his comments.

Very briefly, in 2002, 397 Members of this Congress, including 194 Members of the then-majority party Republicans, voted to double, double, the National Science Foundation.

For those members of your party who plan to vote against this bill or who plan to vote for this reduction in the authorized levels for this committee, I would just suggest you well may be voting against something that you voted for just a few years ago at much higher levels and that the President signed into law. The then-majority voted to double the budget. The President signed it into law at much higher levels than what we are talking about today.

In the last Presidential election, somebody ran around with a flip-flop guy chasing Mr. KERRY. If you do this, the flip-flop guy might be outside your door.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. 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 New Jersey will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. GARRETT of New Jersey:

At the end of section 3, add the following new subsection:

(h) LIMITATION.—None of the funds authorized under this section may be used for research related to—

(1) the reproductive aging and symptom experience at midlife among Bangladeshi Immigrants, Sedentees, and White London Neighbors; and

(2) the diet and social stratification in ancient Puerto Rico.

Mr. GARRETT of New Jersey. Mr. Chairman, just beginning where the last comment on the last bill ended up, I appreciate the gentleman pointing out that this side did support a doubling of the NSF, and I was probably one of those who was there to support the increase; so no one, I think, can take the position that we are not uniformly as a body or as a party opposed to the general notion of increasing, making significant increases to applied research or general research, I should say, by the NSF.

What we can ask, though, is after the last election, has the American voter spoken with regard to the overall growth in Federal spending in all areas, whether it is in science and health care, whether it is in the war, for veterans or other areas; should we not look at each one individually and decide some should go up, some should remain the same, and some should go up at a slightly different way? That is what we are suggesting in the last amendment, simply that they should go up at a slightly different arc than they are in the underlying bill, 6.5 percent instead of 7 percent.

In the amendment before us right now, we look to see what is the underlying mission of the NSF. If we look at their mission statement, we see it is: ''To promote the progress of science, advance the national health, prosperity and welfare and secure the national defense.''

But during these tough fiscal times, both at the Federal level and at the family level, as I pointed out before, Congress must exercise good stewardship over every penny of taxpayers' dollars. This includes helping the NSF to focus on its priority projects.

Just as the gentleman from Georgia indicated, he has been visited by a number of people from various groups dealing with health issues, so have I; people with serious health issues like Alzheimer's, Parkinson's and diabetes. They come and ask what are we doing and how are we prioritizing for their concerns within the NSF.

The amendment before you simply says can we find more than a quarter million dollars to fund research on such programs as reproductive aging symptoms of midlife Bangladeshi immigrants, but not more funding for research projects which might bring progress and eventually cures for some of the serious illnesses we have already heard about on the floor?

In addition, how can we justify research like the diet and social stratification of ancient cultures when here at home current medical research is so desperately needed?

Now, I understand that the point has been already made that we do not specifically itemize in the authorization bills each one of these specific programs, but these are, as the gentleman knows, programs which have already been authorized in the past and are continuing under the law right now into 2007 and 2008.

So doesn't it behoove us here in Congress to make a statement, to make a stand and say that at least in several of these areas we can make a position that our limited dollars should not be going to those areas, but instead we would make the position that they should be going for Alzheimer's, Parkinson's, diabetes and cancer research and some other areas that we have previously spoken about?

So I encourage my colleagues, do not only exercise good stewardship over the taxpayers' dollars, but in essence to also ensure that worthy projects receive the funding they deserve within that noble mission that I set forth at the beginning, ''To promote the progress of science, advance the national health, prosperity and welfare and secure the national defense.''

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

I would like to thank the gentleman from New Jersey for making precisely the case I have tried to make myself. The case I have tried to make myself is that it is not in the best purview of this body to intervene and micromanage specific studies.

The reason I point that out is because the gentleman spoke about important health issues. One of the studies he seeks to eliminate funding for addresses an important health issue. Menopause is tremendously important to the women of this society. It is fine for two men to get up here and decide whether we want to fund menopause research; but I will tell you, every woman in this country is going to go through it, and they think menopause matters.

One of the studies that the gentleman wants to reduce funding for is very important in terms of addressing the factors that influence how menopause develops. I would share with the gentleman, although my knowledge is somewhat limited, I believe there are correlations between menopause and a number of the issues the gentleman mentioned like cancer and other factors.

So if we believe we want to address those important matters, one of the very studies this gentleman is suggesting we eliminate funding for could very well address those very important issues. I would just urge you go back to your women constituents and suggest to them that you decided, based on your vast medical and anthropological expertise, and your vast understanding of women's health, that menopause did not merit research funding from the National Science Foundation.

And you may try to pick the title and say what does that have to do with Bangladeshi immigrants, et cetera. It may have a lot to do because natural experiments in which one population and another population may be of the same age, different, but subject to different cultural or dietary or other factors, and thereby have different variations in how they manifest certain biological processes can often give us profound insights into disease processes and the development of natural rhythms.

And for you or I to presume that we have the expertise to say that we don't think this study will do that because we know so much about menopause, sir, and I count myself among those ''sirs,'' I think is vastly presumptuous. Menopause is profoundly important to the women of this country. This study deals with menopause, and I am tremendously grateful to the gentleman for picking this study because in so doing, you have made the best possible case for not micromanaging this fine agency.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. All Members are reminded to address their comments to the Chair.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the angst most recently demonstrated is curious in light of the events of recent history regarding what this House has dealt with over the past week or two or three, and a little longer history in light of what this House and what this Congress deals with over and over and over again; and that is not the kind of appropriate kind of decisionmaking that my good friend from Washington so passionately advocates here in this bill, which is to delegate appropriate decisionmaking to people who have the expertise and have the knowledge to determine where those resources ought be spent and where those decisions ought be made.

Would that we as a Congress and we as a House use that same brilliance in our decisionmaking when we make decisions regarding health care. Again, as a physician, this Chamber makes incredible decisions that affect the very personal health care of individuals about which it has no knowledge whatsoever, and takes the decisionmaking authority from physicians and patients in an inappropriate way, I believe.

We also this past week determined as a Chamber, the majority party has determined that they have greater knowledge about the specific military activities that ought to occur on the ground as it relates to our brave men and women who are fighting to defend our liberty and our freedom. However, the majority party apparently believes that it is appropriate for them to make specific decisions what our commanders ought to be doing on a day-to-day basis.

So I would suggest, Mr. Chairman, that it would be appropriate to have some consistency in the arguments that are being brought to the floor here this evening regarding delegation of appropriate decisionmaking to those who have the expertise.

With that, I yield to the gentleman from New Jersey (Mr. GARRETT).

□ 2130

Mr. GARRETT of New Jersey. Mr. Chairman, again, I thank the gentleman for yielding. The gentleman is a doctor and I am not going to ask him for his medical expertise because, as you say, that is not our role here to delve into these things but to simply raise the questions.

I will tell you this, that when I come back to my constituents and they tell me about their health concerns, whether it is menopause or cancer or otherwise, their first concern is how are they going to address their own health needs, how are they going to address their health care costs and what are we doing here about it. Their second question is what research are we doing here at home for these areas.

The study that you reference, reproductive aging and symptoms experienced at midlife among Bangladeshi immigrants, sedentees, and white London neighbors does not, of course, as the gentleman knows, look to those issues here at home, but rather elsewhere.

My constituents will raise the question, is that the first priority or should that be the first priority of the NSF. I am not an expert, I am not a doctor like the gentleman, so I cannot suggest that that is the most important one, but my constituents will certainly raise that question for me, and my constituents will certainly be consistent, as the gentleman from Georgia says, and that we should make sure that those dollars are spent here on their own health concerns first.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was rejected.

The Acting CHAIRMAN. The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. CENTERS FOR RESEARCH ON LEARNING AND EDUCATION IMPROVEMENT.

(a) FUNDING FOR CENTERS.—The Director shall continue to carry out the program of Centers for Research on Learning and Education Improvement as established in section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2).

(b) ELIGIBILITY FOR CENTERS.—Section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2) is amended—

(1) in subsection (a)(1), by inserting ''or eligible nonprofit organizations'' after ''institutions of higher education'';

(2) in subsection (b)(1) by inserting ''or an eligible nonprofit organization'' after ''institution of higher education''; and

(3) in subsection (b)(1) by striking ''of such institutions'' and inserting ''thereof''.

The Acting CHAIRMAN. Are there any amendments to section 4?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. INTERDISCIPLINARY RESEARCH.

(a) IN GENERAL.—The Board shall evaluate the role of the Foundation in supporting interdisciplinary research, including through the Major Research Instrumentation program, the effectiveness of the Foundation's efforts in providing information to the scientific community about opportunities for funding of interdisciplinary research proposals, and the process through which interdisciplinary proposals are selected for support. The Board shall also evaluate the effectiveness of the Foundation's efforts to engage undergraduate students in research experiences in interdisciplinary settings, including through the Research in Undergraduate Institutions program and the Research Experiences for Undergraduates program.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall provide the results of its evaluation under subsection (a), including a recommendation for the proportion of the Foundation's research and related activities funding that should be allocated for interdisciplinary research, to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

The Acting CHAIRMAN. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. PILOT PROGRAM OF GRANTS FOR NEW INVESTIGATORS.

(a) IN GENERAL.—The Director shall carry out a pilot program to award one-year grants to individuals to assist them in improving research proposals that were previously submitted to the Foundation but not selected for funding.

(b) USE OF FUNDS.—Grants awarded under this section shall be used to enable an individual to resubmit an updated research proposal for review by the Foundation through the agency's competitive merit review process. Uses of funds made available under this section may include the generation of new data and the performance of additional analysis.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an individual shall—

(1) not have previously received funding as the principal investigator of a research grant from the Foundation; and

(2) have submitted a proposal to the Foundation, which may include a proposal submitted to the Research in Undergraduate Institutions program, that was rated very good or excellent under the Foundation's competitive merit review process.

(d) SELECTION PROCESS.—The Director shall make awards under this section based on the advice of the program officers of the Foundation.

(e) PROGRAM ADMINISTRATION.—The Director may carry out this section through the Small Grants for Exploratory Research program.

(f) NATIONAL SCIENCE BOARD REVIEW.—The Board shall conduct a review and assessment of the pilot program under this section, including the number of new investigators funded, the distribution of awards by type of institution of higher education, and the success rate upon resubmittal of proposals by new investigators funded through this pilot program. Not later than 3 years after the date of enactment of this Act, the Board shall summarize its findings and any recommendations regarding changes to or the continuation of the pilot program in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. FLAKE:
Strike section 6.

Mr. FLAKE. Mr. Chairman, I just have to say from the outset that I have been amazed, like the gentleman from Georgia who mentioned a while ago, you would think if you were listening to this debate at home that the only research, the only science research going on in this country is funded by government, and it is simply not the case, gratefully. In fact, just a fraction of the research going on in the scientific field is funded by government. The private sector funds it gratefully.

And unfortunately, one can make the case and the case is often made persuasively that as we increase government funding in this area, it displaces private sector funding because companies can then rely on government rather than their own R&D budgets.

There is also something called opportunity cost. Whenever you hear the word ''investment'' in terms of government funding, you have to be a little skeptical. You have to say what is the opportunity cost? If you had left this money in the private sector, would it have produced more? You will never know that. But we do know the private sector tends to do things a lot more efficiently than government does.

Let me speak to this amendment. This amendment would strike a new pilot project created in this bill. Keep in mind, people will say we cannot cut this bill or whatever else. This is a new program that I am seeking to strike here.

This pilot project would award one-year grants to individuals to assist them in improving research proposals that were previously submitted to the National Science Foundation but were not selected for funding. In other words, if you submit an application, it is not approved for funding, the government will give you money to improve the application so it might be approved next year.

The man that comes on television, running around in this crazy suit, Matthew Lesko I think is his name, comes to mind here. Are we going to fund like Matthew Lesko? Are we simply saying, all right, here is more money to help you get government money? Are there not sufficient programs within the National Science Foundation that we

should be funding, that we have extra money to actually fund people who did not get the grants to help them improve their proposals that they might get a grant next year?

I understand the defense will say, or those defending these grants that this pilot project is intended to help younger scientists who may be losing out on NSF grants because they do not know how to prepare proposals compared to more seasoned researchers or scientists. The answer does not lie in more Federal dollars to help them prepare grant proposals. If there are problems in terms of more tenured scientists getting these proposals, then perhaps we ought to look at the application process and procedures and tweak those or change those rather than say let us spend money and take money out of the National Science Foundation budget and give it to people who were rejected in their funding.

This is a tight budget environment. I need not remind the majority that we are in a deficit situation. I would support across-the-board cuts everywhere in government, but boy, to say that we have got to increase the budget here 25 percent over 3 years is a bit steep, and then to create a new program like this one and to say we are going to give money to those who are not getting the programs, and one more thing before I yield back.

I have heard from the other side, those defending the current budget and arguing against proposals to actually cut specific programs, that we have a peer review process and that research grants should only be given out that way. I am glad to hear that because my guess is when we come 3 months from now or 2 months from now to the appropriations process, in the SSJC budget, there will be earmarks from that side of the aisle, from this side of the aisle, to fund specific research grants, some of whom were turned down during the peer review process. So this notion that you have got to have peer review and that we do not have the knowledge, I will confess that, but then why in the world are we earmarking like we are?

The earmarks are specifically to say I know better than the folks at NSF or folks over here because I am going to give it to my university or somebody who may have lost out on a grant, and so the notion that, hey, you know, you guys do not know what you are talking about when you are trying to cut spending, leave it to the experts, we do not leave it to the experts. The Congress does not leave it to the experts. If we trusted the experts, we would not be earmarking like we are.

But, again, back to the specific amendment, this is a new program, a new program to take money from the existing budget of NSF that we have all heard is so important that we have to have for research, and giving it to people who did not get their projects approved, did not get a contract, did not get research dollars to help them prepare research dollars.

This reminds me actually of many of the earmarks that you will see in the given months. Many of those are given to people to prepare grants to receive more money.

Mr. HINOJOSA. Mr. Chairman, I move to strike the last word.

I rise in strong support of H.R. 1867, legislation to reauthorize the National Science Foundation, and of this amendment that will give Hispanic-serving institutions, what we refer to as HSIs, the support they need to prepare our next generation of scientists, engineers and mathematicians.

I would like to thank my colleagues, Congressman JERRY MCNERNEY of California, Congresswoman GABRIELLE GIFFORDS of Arizona, and Congressman JOE CROWLEY of New York for bringing this amendment forward. It will make a great difference.

The McNerney-Giffords-Crowley amendment allows the National Science Foundation to establish a competitive, merit-based program to award grants to HSIs for science, technology, engineering and mathematics education. This program seeks to enhance the quality of undergraduate science, mathematics and engineering education and increase the retention and graduation rates for undergraduate students pursuing STEM degrees at 2-year and 4-year HSIs. The initiative will support curriculum and faculty development in STEM areas; stipends for undergraduate students participating in research; and funding for instrumentation purposes.

HSIs are the gateways for post-secondary education for most Hispanic students. Despite having fewer resources than other institutions, HSIs are among the top producers of our new Hispanic STEM professionals. Yet, these vital institutions are often overlooked, or at best, seen as junior partners in our national research and education enterprise. This amendment helps give HSIs the attention they deserve.

I applaud the leadership of Chairman GORDON, of Chairman BAIRD, Ranking Member HALL and Ranking Member EHLERS for their bipartisan commitment to ensuring the United States remains competitive in science, technology engineering and mathematics, better known as the STEM fields.

The Science and Technology Committee has acted with the sense of urgency that we should all share in order to put our Nation back on track to lead the world in the STEM fields. The National Science Foundation is central to developing our national capacity for research and innovation.

I am particularly pleased that this bill emphasizes our need to develop our human capital in the STEM fields. I would also like to thank my colleague and friend Congresswoman EDDIE BERNICE JOHNSON for her work in including an amendment to require strategic planning for the education and human resources mission of the foundation so that we fully develop our STEM talent across all fields and all communities, especially those that have been historically underrepresented.

Mr. Chairman, this amendment for HSIs strengthens that education and human resources mission.

I strongly urge my colleagues to support this amendment and the underlying bill, H.R. 1867.

The Acting CHAIRMAN. Who seeks recognition on the Flake amendment?

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

I greatly respect and admire the gentleman from Arizona, who I know is committed to trying to reduce the deficit, as am I, and we have worked on other areas on that, but let me just share a couple of things about this.

First of all, the gentleman talked about private industry research, and he is right about that. There is a lot of private industry research. Let me share with the gentleman some of the private industry bodies that endorse this bill, and the list is very impressive. I have got it. I would be happy to share it. If it is such a bad bill or needs to be dramatically modified, these are the organizations that support it:

Computing Research Association, National Defense Industrial Association, American Chemical Society, Business Roundtable, Information Technology Association of America, National Venture Capital Association, Semiconductor Industry Association, Software & Information Industry Association, TechNet, Technology CEO Council, Accenture, Advanced Micro Devices, Agilent, Apple, Applied Materials.

I have only it four or five. I am just on the A's. I could go on.

The point being, yes, private industry does fund a great deal of research. They recognize government has a very important role, and far from being deeply suspicious of that role, they profoundly endorse it.

As for the gentleman's amendment per se, I share with the gentleman that much of this legislation develops from research conducted by the National Academy of Science presented in Rising Above the Gathering Storm, which the gentleman may or may not have read.

One of the key challenges we face in our research enterprise is keeping young investigators in the pipeline. If you look at the data on when people are most productive, it does not correlate particularly well with when they get the most funding. There are a host of reasons for that.

Part of the reason is it takes some time to learn how to do the grants, and what we are trying to do here is to say to people, just remember that only about 25 percent of grants are funded. So the mere fact you did not get funding the first time does not mean your application is a bad application at all. It does not mean we have said it is not worthy of funding. Quite the contrary.

What it may well have said is it is a very good application, but given the competition and the constrained funding, in its current state, we will not choose it.

What this bill does is basically say to the young investigator, we will give you some help in advancing your career so you can make a second run at this. This is supported by the National Science Foundation. Folks who have done this research, and I have written applications for grants, I am sure Dr. Ehlers has, it takes you a while to learn how to do it.

Sometimes the young professors who are the very people who are teaching the undergraduate classes, trying to get their labs put up, they lack the resources. And on top of that, you need to understand the dynamics of the peer review process.

Sometimes the more senior members, the people with the long established research credentials and careers are just going to have more access to research because the peer reviewers are going to say, look, it is a safe bet to bet on this guy or this woman, they have been around a long time. The unknown person, the new person who may hold the promise of tomorrow, has a comparative disadvantage.

□ 2145

So what we are trying to do is in a small way, a relatively small way with this program, redress the difference between the new investigators. We know what that's like. We have been relatively young Members, not so anymore here in the Congress. We have had the senior Members tell us where the bathroom was, to quit voting with our meal cards and stuff like that. Nobody threw us out. They get a second chance. But what I am saying, that's what this is about.

I profoundly respect the gentleman. I hope he knows that. He is committed to try to reduce the deficit. This is not the way to do it. This program is actually a good program. It's by a host of scientists, a host of scientific bodies. I think we ought to defeat the gentleman's amendment, with respect, because I know his intent. In this case I think he would have an adverse effect on what we are trying to do with this legislation.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I appreciate the valiant effort on behalf of my friend from Washington in attempting to dissuade Members from voting against this amendment, which I think is well founded. I appreciate the gentleman from Arizona for offering it.

I would remind the gentleman from Washington that one of the roles of our office, one of the roles of our office is to assist individuals with grant applications. So there are other resources which the Federal Government supplies for individuals who are searching to try to fill out their grant applications. We are happy to help.

I would also suggest, Mr. Chairman, that the gentleman makes the point, appropriately, that only 25 percent of the grants are accepted. So why should we waste Federal dollars on teaching individuals who have other avenues to be able to determine how to fill out their grant application appropriately?

Why should we waste precious Federal dollars that could go to, in fact, the kinds of cures that he is endeavoring to fund with the moneys that he is promoting? Why should we waste those Federal dollars in this kind of endeavor, which, I think, is frankly ill-founded and not needed.

I am pleased to yield to my good friend from Arizona.

Mr. FLAKE. I thank the gentleman for yielding.

First, let me point out I have the utmost respect for my friend from Washington. We have worked together on many issues. First, he mentioned that the private sector groups are in support of this legislation and the National Science Foundation. I have no doubt. It doesn't surprise me at all. But I would submit that that's akin to the government saying we are in a position now to fund free lunches for everyone out there, and you can do it on the government's dime.

I would say that virtually every company in America would say that's a great idea. Now we don't have to fund that. We don't have to subsidize it for our employees. We can keep the profits, invest them elsewhere. If private companies don't have to expend that money in their R&D budgets, they would like not to. But that was a point I made, that this often supplants money that would be invested in the private sector, probably more efficiently if overall government spending is any guide.

To the amendment in specific, the gentleman from Georgia said it well. With all the high-priority items in the National Science Foundation budget, to take money out of that and to give it to those who didn't present a successful proposal would seem to me not the highest-priority use of money.

Remember, this is a new program. I am not cutting a program that exists. This is a new pilot project. I just don't think this is a road that we want to go down. I started to mention, before my time ran out before, we have seen this in other fields, in other earmark fields, where people are funding business consortiums. Many of the earmarks in this body go to business consortiums to help them draft grant proposals to get other earmarks or to get grants from government or to lobby to get earmarks. It's simply not a road that we want to go down as a Congress, I would submit.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. I thank the gentleman, and I commend him for his amendment.

I am pleased to yield to my good friend from Michigan.

Mr. EHLERS. I thank the gentleman for yielding.

First, to the gentleman from Arizona, I totally agree with your comments about earmarks. I have fought hard here to keep this body and the other body from providing earmarks for scientific research, because all grants should go through the peer review process.

I might also add parenthetically that when the gentleman from Arizona was on the antiearmark bandwagon a few years ago, I believe I voted with him more than most Members of the House, because I oppose earmarks in general, but particularly in scientific research.

I would also comment that the fact that industry supports us is not indicative of the National Science Foundation doing industry's research. National Science Foundation does the basic research, the fundamental research, which has no apparent immediate use. Industry picks up on that and says, okay, let's see whether we can develop something out of that. In other words, industry does not do very much research, they do a lot of development. NSF does almost totally research and essentially no development. So it's a very good symbiotic relationship.

As I mentioned earlier, before most of the people here were on the floor, the rate of return on our research money in the National Science Foundation has been incredible. Any accountant looking at this would say this is the best investment that the United States Government makes because it has great results in our economy.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. 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 Arizona will be postponed.

Mr. BAIRD. Mr. Chairman, in the interest of time, as it is getting rather late, I would ask unanimous consent that we limit debate on subsequent amendments to 10 minutes.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. PRICE of Georgia. I object.

The Acting CHAIRMAN. Objection is heard.

The Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. BROADER IMPACTS MERIT REVIEW CRITERION.

(a) IN GENERAL.—In evaluating research proposals under the Foundation's broader impacts criterion, the Director shall give special consideration to proposals that involve partnerships between academic researchers and industrial scientists and engineers that address research areas that have been identified as having high importance for future national economic competitiveness, such as nanotechnology.

(b) PARTNERSHIPS WITH INDUSTRY.—The Director shall encourage research proposals from institutions of higher education that involve partnerships with businesses and organizations representing businesses in fields that have been identified as having high importance for future national economic competitiveness and that include input on the research agenda from and cost-sharing by the industry partners.

(c) REPORT ON BROADER IMPACTS CRITERION.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to Congress a report on the impact of the broader impacts grant criterion used by the Foundation. The report shall—

(1) identify the criteria that each division and directorate of the Foundation uses to evaluate the broader impacts aspects of research proposals;

(2) provide a breakdown of the types of activities by division that awardees have proposed to carry out to meet the broader impacts criterion;

(3) provide any evaluations performed by the Foundation to assess the degree to which the broader impacts aspects of research proposals were carried out and how effective they have been at meeting the goals described in the research proposals;

(4) describe what national goals, such as improving undergraduate science, mathematics, and engineering education, improving K–12 science and mathematics education, promoting university-industry collaboration and technology transfer, and broadening participation of underrepresented groups, the broader impacts criterion is best suited to promote; and

(5) describe what steps the Foundation is taking and should take to use the broader impacts criterion to improve undergraduate science, mathematics, and engineering education.

The Acting CHAIRMAN. Are there any amendments to section 7?

The Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. POSTDOCTORAL RESEARCH FELLOWS.

(a) MENTORING.—The Director shall require that all grant applications that include funding to support postdoctoral researchers include a description of the mentoring activities that will be provided for such individuals, and shall ensure that this part of the application is evaluated under the Foundation's broader impacts merit review criterion. Mentoring activities may include career counseling, training in preparing grant applications, guidance on ways to improve teaching skills, and training in research ethics.

(b) REPORTS.—The Director shall require that annual reports and the final report for research grants that include funding to support postdoctoral researchers include a description of the mentoring activities provided to such researchers.

The Acting CHAIRMAN. Are there any amendments to section 8?

The Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. RESPONSIBLE CONDUCT OF RESEARCH.

The Director shall require that each institution that applies for financial assistance from the Foundation for science and engineering research or education describe in its grant proposal a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduate students, graduate students, and postdoctoral researchers participating in the proposed research project.

The Acting CHAIRMAN. Are there any amendments to section 9?

The Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. REPORTING OF RESEARCH RESULTS.

The Director shall ensure that all final project reports and citations of published research documents resulting from research funded, in whole or in part, by the Foundation, are made available to the public in a timely manner and in electronic form through the Foundation's Web site.

The Acting CHAIRMAN. Are there any amendments to section 10?

The Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. SHARING RESEARCH RESULTS.

An investigator supported under a Foundation award, whom the Director determines has failed to comply with the provisions of section 734 of the Foundation Grant Policy Manual, shall be ineligible for a future award under any Foundation supported program or activity. The Director may restore the eligibility of such an investigator on the basis of the investigator's subsequent compliance with the provisions of section 734 of the Foundation Grant Policy Manual and with such other terms and conditions as the Director may impose.

The Acting CHAIRMAN. Are there any amendments to section 12?

The Clerk will designate section 12.

The text of section 12 is as follows:

SEC. 12. FUNDING FOR SUCCESSFUL STEM EDUCATION PROGRAMS.

(a) EVALUATION OF PROGRAMS.—The Director shall, on an annual basis, evaluate all of the Foundation's grants that are scheduled to expire within one year and—

(1) that have the primary purpose of meeting the objectives of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1885 et seq.); or

(2) that have the primary purpose of providing teacher professional development.

(b) CONTINUATION OF FUNDING.—For grants that are identified under subsection (a) and that are deemed by the Director to be successful in meeting the objectives of the initial grant solicitation, the Director may extend the duration of those grants for up to 3 additional years beyond their scheduled expiration without the requirement for a recompetition. The Director may extend such grants for an additional 3 years following a second review within 1 year before the extended completion date, in accordance with subsection (a), and the determination by the Director that the objectives of the grant are being achieved.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate that—

(1) lists the grants which have been extended in duration by the authority provided under this section; and

(2) provides any recommendations the Director may have regarding the extension of the authority provided under this section to programs other than those specified in subsection (a).

The Acting CHAIRMAN. Are there any amendments to section 12?

The Clerk will designate section 13.

The text of section 13 is as follows:

SEC. 13. COST SHARING.

(a) IN GENERAL.—The Board shall evaluate the impact of its policy to eliminate cost sharing for research grants and cooperative agreements for existing programs that were developed around industry partnerships and historically required industry cost sharing, such as the Engineering Research Centers and Industry/University Cooperative Research Centers. The Board shall also consider the impact that the cost sharing policy has on initiating new programs for which industry interest and participation are sought.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, on the results of the evaluation under subsection (a).

The Acting CHAIRMAN. Are there any amendments to section 13?

The Clerk will designate section 14.

The text of section 14 is as follows:

SEC. 14. DONATIONS.

Section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) is amended by inserting at the end before the semicolon '', *except that funds may be donated for specific prize competitions''.*

The Acting CHAIRMAN. Are there any amendments to section 14?

The Clerk will designate section 15.

The text of section 15 is as follows:

SEC. 15. ADDITIONAL REPORTS.

(a) REPORT ON FUNDING FOR MAJOR FACILITIES.—

(1) PRECONSTRUCTION FUNDING.—The Board shall evaluate the appropriateness of the requirement that funding for detailed design work and other preconstruction activities for major research equipment and facilities come exclusively from the sponsoring research division rather than being available, at least in part, from the Major Research Equipment and Facilities Construction account.

(2) MAINTENANCE AND OPERATION COSTS.—The Board shall evaluate the appropriateness of the Foundation's policies for allocation of costs for, and oversight of, maintenance and operation of major research equipment and facilities.

(3) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report on the results of the evaluations under paragraphs (1) and (2) and on any recommendations for modifying the current policies related to allocation of funding for major research equipment and facilities to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

(b) INCLUSION OF POLAR FACILITIES UPGRADES IN MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION PLAN.—Section 201(a)(2)(D) of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862l(a)(2)(D)) is amended by inserting ''and for major upgrades of facilities in support of Antarctic research programs'' after ''facilities construction account''.

(c) REPORT ON EDUCATION PROGRAMS WITHIN THE RESEARCH DIRECTORATES.—Not later than 6 months after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate a report cataloging all elementary and secondary school, informal, and undergraduate educational programs and activities supported through appropriations for Research and Related Activities. The report shall display the programs and activities by directorate, along with estimated funding levels for the fiscal years 2006, 2007, and 2008, and shall provide a description of the goals of each program and activity. The report shall also describe how the programs and activities relate to or are coordinated with the programs supported by the Education and Human Resources Directorate.

(d) REPORT ON RESEARCH IN UNDERGRADUATE INSTITUTIONS PROGRAM.—The Director shall transmit to Congress along with the fiscal year 2011 budget request a report listing the funding success rates and distribution of awards for the Research in Undergraduate Institutions program, by type of institution based on the highest academic degree conferred by the institution, for fiscal years 2008, 2009, and 2010.

(e) ANNUAL PLAN FOR ALLOCATION OF EDUCATION AND HUMAN RESOURCES FUNDING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of legislation providing for the annual appropriation of funds for the Foundation, the Director shall submit to the

Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, a plan for the allocation of education and human resources funds authorized by this Act for the corresponding fiscal year, including any funds from within the research and related activities account used to support activities that have the primary purpose of improving education or broadening participation.

(2) SPECIFIC REQUIREMENTS.—The plan shall include a description of how the allocation of funding—

(A) will affect the average size and duration of education and human resources grants supported by the Foundation;

(B) will affect trends in research support for the effective instruction of mathematics, science, engineering, and technology;

(C) will affect the K-20 pipeline for the study of mathematics, science, engineering, and technology; and

(D) will encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology, and help prepare such individuals to pursue postsecondary studies in these fields.

The Acting CHAIRMAN. Are there any amendments to section 16?

The Clerk will designate section 16.

The text of section 16 is as follows:

SEC. 16. ADMINISTRATIVE AMENDMENTS.

(a) TRIANNUAL AUDIT OF THE OFFICE OF THE NATIONAL SCIENCE BOARD.—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 4862n–5) is amended—

(1) in paragraph (3), by striking ''an annual audit'' and inserting ''an audit every three years'';

(2) in paragraph (4), by striking ''each year'' and inserting ''every third year''; and

(3) by inserting after paragraph (4) the following new paragraph:

''(5) MATERIALS RELATING TO CLOSED PORTIONS OF MEETINGS.—To facilitate the audit required under paragraph (3) of this subsection, the Office of the National Science Board shall maintain the General Counsel's certificate, the presiding officer's statement, and a transcript or recording of any closed meeting, for at least 3 years after such meeting.''.

(b) LIMITED TERM PERSONNEL FOR THE NATIONAL SCIENCE BOARD.—Subsection (g) of section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended to read as follows:

''(g) The Board may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than 5 professional staff members, technical and professional personnel on leave of absence from academic, industrial, or research institutions for a limited term and such operations and support staff members as may be necessary. Such staff shall be appointed by the Chairman and assigned at the direction of the Board. The professional members and limited term technical and professional personnel of such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification, and shall be compensated at a rate not exceeding the maximum rate payable under section 5376 of such title, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this Act. Section 14(a)(3) shall apply to each limited term appointment of technical and professional personnel under this subsection. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 14(a).''.

(c) INCREASE IN NUMBER OF WATERMAN AWARDS TO THREE.—Section 6(c) of the National Science Foundation Authorization Act of 1975 (42 U.S.C. 1881a) is amended to read as follows:

''(c) Up to three awards may be made under this section in any one fiscal year.''.

The Acting CHAIRMAN. Are there any amendments to section 16?

The Clerk will designate section 17.

The text of section 17 is as follows:

SEC. 17. NATIONAL SCIENCE BOARD REPORTS.

Paragraphs (1) and (2) of section 4(j) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1) and (2)) are amended by striking '', for submission to'' and ''for submission to'', respectively, and inserting ''and''.

The Acting CHAIRMAN. Are there any amendments to section 17?

The Clerk will designate section 18.

The text of section 18 is as follows:

SEC. 18. NATIONAL ACADEMY OF SCIENCE REPORT ON DIVERSITY IN STEM FIELDS.

(a) IN GENERAL.—The Foundation shall enter into an arrangement with the National Academy of Sciences for a report, to be transmitted to the Congress not later than 1 year after the date of enactment of this Act, about barriers to increasing the number of underrepresented minorities in science, technology, engineering, and mathematics fields and to identify strategies for bringing more underrepresented minorities into the science, technology, engineering, and mathematics workforce.

(b) SPECIFIC REQUIREMENTS.—The Director shall ensure that the study described in subsection (a) addresses—

(1) social and institutional factors that shape the decisions of minority students to commit to education and careers in the science, technology, engineering, and mathematics fields;

(2) specific barriers preventing greater minority student participation in the science, technology, engineering, and mathematics fields;

(3) primary focus points for policy intervention to increase the recruitment and retention of underrepresented minorities in America's future workforce;

(4) programs already underway to increase diversity in the science, technology, engineering, and mathematics fields, and their level of effectiveness;

(5) factors that make such programs effective, and how to expand and improve upon existing programs;

(6) the role of minority-serving institutions in the diversification of America's workforce in these fields and how that role can be supported and strengthened; and

(7) how the public and private sectors can better assist minority students in their efforts to join America's workforce in these fields.

AMENDMENT NO. 8 OFFERED BY MS. MATSUI

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. MATSUI:

At the end of the bill, insert the following new section:

SEC. 19. COMMUNICATIONS TRAINING FOR SCIENTISTS.

(a) GRANT SUPPLEMENTS FOR COMMUNICATIONS TRAINING.—The Director shall provide grant supplements, on a competitive, merit-reviewed basis, to institutions receiving awards under the Integrative Graduate Education and Research Traineeship program. The grant supplements shall be used to train graduate students in the communication of the substance and importance of their research to nonscientist audiences, including policymakers.

(b) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Director shall transmit a report to the Committee on Science and Technology of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate, describing how the activities required under subsection (a) have been implemented. The report shall include data on the number of graduate students trained and the number and size of grant supplements awarded, and a description of the types of activities funded through the grant supplements.

Ms. MATSUI. Mr. Chairman, this amendment to the NSF reauthorization is designed to improve the ability of scientists to communicate with nonscientific audiences such as businesses, the media, the general public and, of course, Members of Congress. Specifically, my amendment would add a provision to H.R. 1667 that authorizes a science communications initiative at the National Science Foundation.

I believe this proposal will ensure that we are getting as much return on the Federal Government's investment in the National Science Foundation as possible. By implementing this program, it would diversify the education of our scientists and would ensure that policymakers and other nonscientists have better access to the technical expertise fostered by NSF and the Nation's broader research enterprise, because if scientists can't tell the rest of us what they have discovered, we are not fully recognizing the benefits of our investment in scientific research. Unfortunately, the ability to articulate the content and significance of scientific information is often overlooked by graduate training programs.

My amendment directly addresses this unmet need and would create a pipeline of scientists who are increasingly engaged with nonscientists, including policymakers, business leaders and others. Providing communications training to our scientists will ensure that we, the policymakers, can make the most informed decisions possible as we debate technical issues and craft policy.

This amendment creates a competitively reviewed supplement within the Integrative Graduate Education and Research Traineeship, or IGERT program. Investigators at IGERT-awardee institutions will compete for resources to develop and implement communications training. The IGERT program will administer the competitive review process for this communications training initiative.

I have received strong support for this program from stakeholders in my district of Sacramento and from across the country. Policymakers, scientists, educators, business leaders and science writers all agree we need to better integrate scientific expertise into the public debate.

This amendment represents an important step toward that goal. That is

why this amendment has received the endorsement of the American Association for the Advancement of Science and The Council of Graduate Schools.

This amendment is based on the Scientific Communication Act of 2007, H.R. 1453, that I introduced with Chairman GORDON as an original cosponsor. I would like to thank Chairman GORDON, Mr. Hope, Mr. ALLEN, Mr. INSLEE and Mr. HIGGINS for their cosponsorship of that legislation.

Before I close, I would like to address a few misconceptions about this amendment. I want to be clear, this amendment contains no new authorization levels. For those who said that this program would take away from other NSF grants, I want to make a few points. The NSF Director would determine the level of resources to devote to this program. If the NSF Director does not deem this program worthy of funding, it won't get any.

However, I think scientists, teachers, reporters, business owners, Members of Congress and all our constituents should support this program. This bill authorized $21 billion for the National Science Foundation.

What good is that level of investment if we don't maximize the benefits? You should not need a Ph.D. to utilize the ideas and breakthroughs that NSF-supported research produces. That's why I am proposing this amendment. It will help to bridge the communication gap between scientists and the rest of us.

I hope all my colleagues here in the House will support this amendment. As policymakers, I promise you, you will personally benefit from this program when you hear expert testimony on technical topics. But, more importantly, you should support it because it will enable all your constituents to share in the excellent research supported by NSF.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

I rise with some reluctance to speak against this amendment, because I like the idea of what the gentlewoman from California is trying to do. But my concern is twofold. First of all, this will cut into the funding that the NSF already has. It's an added requirement for them.

But my major objection is, I have taught at the university level and have taught at the college level. I have always felt this is the responsibility of the colleges and universities to do, and they shouldn't need an NSF grant to do this.

The job of the colleges and universities is to teach. What this is proposing is that the NSF will be responsible for teaching these students how to communicate their research.

I always tried to do that with my students when I had graduate students. I think that's an integral part of the education program. So I reluctantly urge defeat of this amendment, simply because I think we ought to make it clear to the universities and the colleges that this is part of their responsibility.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Matsui amendment. As Members of Congress, we all understand just how critical communications skills are, whether we are trying to influence our colleagues during debate such as tonight, or trying to explain a vote to our constituents.

□ 2200

If you cannot communicate effectively, the value of ideas can be lost and all of your work may be lost. The same is true for our Nation's scientists as they attempt to convey their work to colleagues and especially to nonscientific audience.

This afternoon, when I had the opportunity to speak with five recent American Nobel laureate scientists, I was very impressed by their ability to explain their work. I may even say I was surprised. Why? Because, unfortunately, scientists are not always the most gifted speakers, and this is not a skill that we regularly find taught in graduate schools. Dr. EHLERS was obviously doing a much better job when he was a professor, but this is not something that I have found as a professor that is taught very often. And I speak from experience both as a professor and as an engineer, and perhaps some may say I personally provide evidence supporting this generalization.

So the Matsui amendment addresses this problem by helping to provide communication training to our Nation's young scientists. If scientists can help better explain their research, it will help us as policymakers as they come to explain and we could choose the best path to move forward, especially in the Science Committee. And perhaps business leaders will be better able to turn some academic research into a good marketable product if they can understand what this research can do.

Finally, I believe that the ability of our scientists to more effectively communicate scientific information will inspire more children to pursue a career in science. No one is inspired by something that they don't know because they are unable to understand it.

I thank Congresswoman MATSUI for offering this amendment, and I urge my colleagues for joining me in supporting it.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the gentlelady from California's amendment, and let me share with you why.

I think most Members of this body have had people from the scientific community come and talk to us about why their research matters or how it is going to help society, and we have said to ourselves or to them, ''Could you please put that in English so I know what you are talking about?''

The challenge is that the esoteric realm that some of the scientists work in is really beyond some of our ken. And I think that is fine. But if we are going to make informed policy decisions, it is essential that we understand the research that we are making decisions about that may have been illustrated earlier tonight in some of the discussion.

Let me share with you, and I respect Dr. EHLERS immensely, as everyone knows. But the very researchers who, if there is concern that this proposal by the gentlelady from California would reduce funding for other research, let me point out that many of the associations whose members depend on the core research funding nevertheless believe there is merit to this amendment. And let me share with you, the American Association for the Advancement of Science, I will read in a moment what they have to say, the Federation of American Society for Experimental Biology, the Council of Graduate Schools, the Society for Neuroscience. I absolutely believe as a former teacher of science, I believe it is our obligation as teachers to help our young charges learn how to communicate what they do. But it is not being done well enough, that has been recognized, and the gentlelady is to be commended for it.

Let me share with you that the American Association for the Advancement of Science says the following, which I will submit for printing in the RECORD. ''While Federal support of scientific research is of critical importance to innovation,'' and let me underscore this, ''it is also very important that we find ways to make sure that science is effectively used to advance the human condition. Scientists and engineers must have the tools needed to communicate the work they do. The ability to more effectively communicate scientific information may inspire more children to pursue a career in science, and certainly will help a higher quality dialogue among the research community and the citizens whose investment it relies on.''

So I commend the gentlelady. This is something that we don't talk about a lot; but when people have to communicate information to the policymakers or to the public or to the consumers of their research, it is important they do so in a way that is intelligible. This amendment moves an important step in that direction. I applaud her and urge its passage.

AMERICAN ASSOCIATION
FOR THE ADVANCEMENT OF SCIENCE,
Washington, DC, May 2, 2007.

Hon. DORIS MATSUI,
House of Representatives,
Washington, DC.

DEAR REP. MATSUI: Thank you for your support in the recent passage of the reauthorization for the National Science Foundation (NSF) by the House Science and Technology Committee.

As you prepare to debate the NSF reauthorization bill (H.R. 1867) on the floor, I would like to express our support for your efforts to improve scientific communication with the public. For over 50 years, the NSF

has had a unique role in supporting basic research across the spectrum of scientific disciplines. This support has led to remarkable advances in fields as disparate as nanotechnology and economic theory.

While federal support of scientific research is of critical importance to innovation, it is also very important that we find ways to make sure that science is effectively used to advance the human condition. Scientists and engineers must have the tools needed to communicate the work that they do. The ability to more effectively communicate scientific information may inspire more children to pursue a career in science. It certainly will help create a higher quality dialogue among the research community, the citizens whose investment it relies upon, and the broad society it ultimately serves.

Sincerely,

ALAN L. LESHNER,
Chief Executive Officer.

Mr. WESTMORELAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am confused. The gentleman from Washington has been stating about micromanaging the NSF; and now that I see what this amendment does is not only try to micromanage what they do with their grants and their money, but it is also saying to me that these institutions that get these awards grants for the research from the NSF do not have a complete teaching ability to teach these graduate students how to put their thoughts to a nonscientist audience.

Now, to me, we are not only micromanaging the NSF, but now we are getting into some of these schools that receive these grants and saying: You are not doing a full curriculum enough that you can educate these young scientists and these young researchers into how to explain themselves to nonscientist audiences.

So I think you can't have your cake and eat it, too. Either we don't want to micromanage, and if we are going to micromanage, who is the ultimate decider of that? And also, are we going to start micromanaging what the curriculum is for these higher institutes of learning that are turning out these scientists?

The Acting CHAIRMAN (Mr. LYNCH). The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. WESTMORELAND. 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 gentlewoman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. EHLERS:

At the end of the bill, add the following new section:

SEC. 19. SENSE OF THE CONGRESS REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Congress that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

Mr. EHLERS. Mr. Chairman, I rise to address a particular problem with this amendment. We have, for some time, had activities within the National Science Foundation aimed at teaching future teachers, teaching them how to teach math and science, and this generally fell into the rubric of a math-science partnership, because the Foundation itself did not teach the teachers but rather responded to grants submitted by professors at various institutions who were pleased to set up programs to teach these future teachers or existing teachers how better to teach math and science. These have been very successful programs and are commonly referred to as the math-science partnership.

Recently, the Department of Education has developed programs involving professional development for teachers in elementary and secondary schools to try to bring them up to speed on the latest developments in math and science and how to teach them. They ended up calling it the math-science partnership.

This has resulted in a problem because some in the administration decided to cut the budget of the National Science Foundation because they felt this was a duplication of programs. It is not.

The National Science Foundation concentrates on doing research. The Foundation's model is designed for competitive grants to spur innovative programs that will be peer reviewed and evaluated to enhance research on effective math and science education, whereas the Department of Education ensures that this knowledge is disseminated to as many school districts as possible. Knowledge gained from the competitive foundation scholarships, in other words the National Science Foundation math-science partnerships, can be used and is used to prove and enhance State investments in programs developed by the Department of Education.

In other words, these are two programs that happen to have the same names. They are very symbiotic. The discoveries out of the research at the National Science Foundation transfers directly over to the Department of Education, and is there applied to instructions in the classrooms and for teacher training programs.

□ 2210

Another reason I come to offer this amendment is because the other body, the Senate, is working on this same issue, this same bill, and they have added an amendment which clarifies the difference between the National Science Foundation programs and the Department of Education programs. I am offering essentially the same amendment so that when we go to conference with the Senate, this will be preagreed to. It's a necessary and important clarification of the functions of the two, and I urge the adoption of my amendment.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The superb gentleman from Michigan is absolutely right. It's a superb amendment. We're happy to accept it, and I commend him for offering it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCNERNEY:

At the end of the bill, add the following new section:

SEC. 19. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM.

(a) IN GENERAL.—The Director is authorized to establish a new program to award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions to enhance the quality of undergraduate science, mathematics, engineering, and technology education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, mathematics, engineering, or technology.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in science, mathematics, engineering, and technology;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding for instrumentation is an allowed use of grants awarded under this section.

Mr. MCNERNEY. Mr. Chairman, I would like to thank Chairman GORDON,

Ranking Member HALL, and my good friend Dr. BAIRD for bringing H.R. 1867, the National Science Foundation Reauthorization Act, to the floor. This is a very important bill that will benefit our young scientists for generations to come.

I would also like to thank some of my colleagues, Ms. GIFFORDS and Mr. CROWLEY, for their support.

My amendment makes a needed change to H.R. 1867 by allowing the Director of the National Science Foundation to establish a competitive, merit-based program to award grants to Hispanic-serving institutions for science, technology, engineering and mathematics, or STEM education.

The U.S. is in danger of falling behind the rest of our competitors in the world in STEM education, and it is imperative that we improve academics in this country. We need initiatives that increase educational opportunities for all young adults in order to expand the number of students who pursue careers in science and math-related fields.

The National Academy of Science's study, Rising Above the Gathering Storm, paints a very sobering picture of our future if we continue to see declines in both the quality and the quantity of science and math students. However, we can alter this current trend by expanding options for our children.

The House has passed numerous bills in recent weeks to create new opportunities in STEM education. These are excellent first steps. Likewise, today's legislation, and my amendment, provide us with the building blocks for academic progress. We should continue working hard to improve access to education and offer better services for our students and families.

This amendment does that by allowing Hispanic-serving institutions throughout the country to participate in NSF programs. As the largest minority group in the United States, Hispanic populations should be encouraged to access the educational fields where we need the most talent, in science, technology, engineering and mathematics.

At San Joaquin Delta College in my district, and at hundreds of similar 2- and 4-year institutions, students benefit from existing funds and programs that will be enhanced by the adoption of this amendment.

We should give the NSF the ability to support improvement of curriculum and courses at Hispanic-serving institutions, while also providing for faculty development initiatives that will lead to better-educated students.

In addition to the benefits of these changes, my amendment is fiscally responsible. It authorizes no new funding. It simply provides the opportunity for Hispanic-serving institutions to compete for NSF funds in the same way as other institutions.

The NSF already supports similar programs for Historically Black Colleges and Universities and Tribal Colleges, and this amendment will allow Hispanic-serving institutions to better serve our future leaders and scientists.

I strongly urge my colleagues to support this amendment.

Ms. GIFFORDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to speak in support of the McNerney-Giffords-Crowley amendment to the National Science Foundation Authorization Act of 2007.

I want to thank Congressman MCNERNEY and Congressman CROWLEY for their help in crafting this amendment. It has been a pleasure to work with both of them.

A Hispanic-serving institution is defined as an institution of higher education that has at least 25 percent Hispanic full-time enrollment, and at least 50 percent of the school's student population must be eligible for need-based financial aid.

This amendment will establish a new program in the National Science Foundation to award grants to Hispanic-serving institutions on a competitive, merit-reviewed basis. These grants will enhance the quality of undergraduate science, math, engineering and technology education. This will increase student retention and graduation rates for those students pursuing degrees in these critical areas.

Specifically, this grant program will support faculty development, which is critical; stipends for undergraduate students participating in research; and initiatives to improve courses and curriculum in science, math and engineering and technology.

In 2005, Mr. Chairman, a group of bipartisan congressional lawmakers asked the experts at the National Academies for steps that policymakers must pursue in order to ensure the United States remains globally competitive.

Their report, entitled Rising Above the Gathering Storm, which we refer to frequently on the Science Committee, found that the United States will stand to lose in terms of global competitiveness unless we act immediately.

One of the recommendations was to increase the participation of minorities in STEM education fields. That report stated that ''increasing participation of underrepresented minorities is critical to ensuring a high-quality supply of scientists and engineers in the United States over the long term. And as minority groups increase in percentage within the United States population, increasing their participation in those STEM fields is critical.''

In my home State of Arizona, 50 percent of the population 18 years of age and younger are Hispanic. My amendment will ensure that Hispanics, our Nation's largest ethnic minority, and many blacks, whites, Asians and Native Americans who attend Hispanic-serving institutions will be able to more fully contribute to American innovation. It will expand the number of students graduating with the credentials to enter the critical fields that impact American competitiveness, those STEM fields.

This amendment truly benefits all of the United States of America.

In my district I have three Hispanic-serving institutions, Pima Community College, Cochise Community College and, of course, the University of Arizona South. All three of these institutions support this amendment which would give them the opportunity to improve their STEM education programs.

Dr. Karen Nicodemus, who is the president of Cochise College, told my office, ''As President of a rural Hispanic-serving institution, I applaud and strongly support any and all efforts to fund and expand undergraduate student access to the STEM areas. Directing resources to a growing but historically underserved student population is essential, essential to fully engaging and preparing them for the 21st century,'' Mr. Chairman, which we know is so critical.

According to Dr. Roy Flores, who is the chancellor of Pima Community College, ''Our ability to increase minority graduates in science, technology, engineering and math degree programs will determine our relative position in the global economy.''

This amendment, Mr. Chairman, is all about keeping America globally competitive in this 21st century. I encourage all of my colleagues to support it.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

I just want to simply rise to congratulate my colleagues, both Mr. MCNERNEY as well as Ms. GIFFORDS, both leaders on the Science Committee on this issue, in advancing our Democratic innovative agenda.

This amendment will benefit Hispanic-serving institutions throughout our Nation to inspire more of our young people to seek careers in industries that will foster the growth in mathematics and science among primarily Hispanic-serving institutions.

□ 2220

And I stand wholeheartedly behind this amendment. This will include over 10,000 students in my district who will directly benefit from this amendment. Let me just read some of the institutions in Queens and the Bronx, including Lehman College, Bronx Community College, Hostos Community College, LaGuardia Community College, Vaughn College of Aeronautics and Technology at LaGuardia Airport, and the College of Mount Saint Vincent. They are just a few of the colleges that will benefit from this amendment.

And with that, Mr. Chairman, I wholeheartedly support it and ask my colleagues to support this amendment as well.

Mr. Chairman, I rise today to support the McNerney-Giffords amendment. This amendment establishes a new competitive grants program specifically for Hispanic-Serving Institutions at the National Science Foundation.

I would like to thank Representative MCNERNEY and Representative GIFFORDS for their leadership in offering this amendment, which will increase opportunities for so many undergraduate students.

This amendment will focus attention on the need to involve more Hispanic students in the science field by creating a specific program for Hispanic-Serving Institutions to receive infrastructure development funding.

I would also like to thank Chairman GORDON, Subcommittee Chairman BAIRD, and the staff at the Science and Technology Committee for their assistance in drafting this amendment, and for their commitment to increasing participation of minorities in the science and technology fields.

Hispanic-Serving Institutions serve the majority of the nearly two million Hispanic students enrolled in college today, and many of these institutions offer associate, undergraduate, and graduate programs and degrees in the science, technology, engineering, and mathematics fields.

The Hispanic-Serving Institutions Undergraduate Program created by this amendment will allow these colleges and universities to access the funding they need to enhance their educational programs.

In my district alone, about 10,000 students attend Hispanic-Serving Institutions offering degrees in these science fields. Students at institutions throughout Queens and the Bronx, including Lehman College, Bronx Community College, Hostos Community College, LaGuardia Community College, Vaughn College of Aeronautics and Technology, and the College of Mount Saint Vincent, like those all across the country, will benefit from increased access to funding to improve these degree programs.

This amendment corrects a long-standing inequality at the National Science Foundation.

Unlike their counterparts of Historically Black Colleges and Universities and Tribal Colleges and Universities, Hispanic-Serving Institutions have not benefited from a specific program to provide them with grants for research, curriculum, and infrastructure development.

Without access to targeted capacity-building grants, Hispanic-Serving Institutions have difficulty increasing the ranks of Hispanics in the science, technology, engineering, and mathematics fields, where they have been historically underrepresented. Studies show that Hispanics earn less than 3 percent of doctorates in these areas, compared to more than 50 percent by non-Hispanic whites.

This amendment also goes to the heart of the Innovation Agenda spearheaded by Speaker PELOSI and the new Democratic Coalition in the House to increase our Nation's competitiveness and create more math and science graduates.

To maintain our global competitiveness, we need to increase our pool of scientists, mathematicians, and engineers.

We can do this by ensuring that Hispanics, the youngest and fastest-growing ethnic population group in the nation, are prepared with the knowledge and skills that will contribute to our Nation's future economic strength, security and global leadership.

This grants program will educate and train a new generation of experts in the science, technology, engineering and mathematics areas. By engaging Hispanic-Serving Institutions in this process, we can reach out to and involve more of the Hispanic educational community.

The National Science Foundation, through its undergraduate and graduate programs, can assist Hispanic-Serving Institutions in developing programs to prepare current and future generations of Hispanics and other minority professionals in the sciences.

I applaud the establishment of a Hispanic-Serving Institutions Undergraduate Program to achieve these goals, and I urge passage of this excellent amendment by Representatives MCNERNEY and GIFFORDS.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The prior speakers have been very eloquent in support of this and the hour is late; so I won't go into any detail. I just want to commend them for their leadership on this and urge support of this outstanding amendment.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I want to commend my colleagues as well for bringing what would on its face value be seen as a remarkably new and innovative program. In fact, I think as the gentleman said, advancing ''the Democratic innovation agenda.'' Well, it is curious, Mr. Chairman, because if you view and look specifically at the language that is in this amendment, and it is to be commended indeed, it bears striking resemblance to the language in current law. In fact, the National Science Foundation Authorization Act of 2002, section 24 has language that is exactly the same as is in this amendment.

So I want to commend my colleagues for being inventive and being innovative indeed.

I also think it would be appropriate for them to cite, in fact, where the original language came from, and that was the prior Republican Congress. So I commend my colleagues for their innovation, indeed, in formulating an amendment that is already in place in current law.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

At the end of the bill, add the following new section:

SEC. 19. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms ''deficit'' and ''surplus'' have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

Mr. PRICE of Georgia. Mr. Chairman, I know the hour is late and we are drawing to a close on this, and I think this is an appropriate amendment upon which to end for this is the amendment that allows us as a Congress to say, yes, indeed, we believe that fiscal responsibility is important.

As you know, Mr. Chairman, this bill, the National Science Foundation Authorization Act, authorizes $20.973 billion, nearly $21 billion, over 3 years and creates five new Federal programs. The National Science Foundation Authorization Act establishes a pilot program of 1-year seed grants for new investigators to help improve funding rates for young investigators and to stimulate higher-risk research. It encourages the NSF to foster relationships between academia and industry in order to spawn U.S. competitiveness and furthers the Agency's traditions of education in science, technology, engineering, and math.

The NSF has a mission to achieve excellence in science, technology, engineering, and mathematics education at all levels and all settings from kindergarten through postdoctoral training, from classrooms to science museums and online resources, having done so for the last half century. And while what this bill does is extremely important, equally important is this amendment that will apply the principle of pay as you go to any new spending authorized by this legislation by requiring that any new spending have a specific offset.

The amendment provides that no authorization of appropriations made by this Act that results in costs to the Federal Government shall be effective unless there are decreases in spending elsewhere in the Federal Government.

Mr. Chairman, common sense dictates that that is what we should do. Not only common sense, but previous promises by this new majority. An excerpt of ''A New Direction for America,'' which was proposed by House Democrats in the 109th Congress as their plan for the majority, it reads: ''Our New Direction is committed to pay-as-you-go budgeting, no more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans.''

Well, hear, hear, Mr. Chairman. I heartily agree. But on April 18, Majority Leader HOYER was quoted in Roll Call as saying, ''We want to get the budget deficit under control. We have said that fiscal responsibility was necessary, but we're not going to be hoisted on the torrent of fiscal responsibility.''

Well, Mr. Chairman, Americans all across this Nation are being shaken down by a ''torrent'' of fiscal irresponsibility.

I would suggest, Mr. Chairman, the rules are not rules if you only follow them when you want to. The Democrats promised pay-as-you-go rules for everything. Instead, they are picking and choosing, picking and choosing when to do so. At home, we call that breaking a rule and breaking a promise.

So while what this bill does is extremely important, $20.973 billion is a considerable amount of money even here in Washington, and it is equally important that we are good stewards of the hard-earned money of the American people. We should not limit our talk about fiscal responsibility only when it is politically convenient.

So I urge the new majority to rededicate itself to the principle of pay-as-you-go spending. Fiscal responsibility shouldn't be something that is just talked about only on the campaign trail.

Mr. Chairman, I urge adoption of this commonsense, fiscally responsible, pay-as-you-go amendment.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

In the midst of all this serious debate about an extremely important bill, I would like to pause just a moment to have a lighter moment that we can all enjoy as we recognize that one of our leading Members in this Congress tomorrow reaches a major milestone. The ranking member of the Science Committee, the gentleman from Texas, Mr. RALPH HALL, tomorrow will begin the second half of his life. He reaches the age of 84 tomorrow. So we can all celebrate with him and appreciate the tremendous contributions he has made to this Congress and to this country.

And I think it is entirely appropriate that on the eve of this important occasion, he spends the entire evening in this Chamber debating the esoteric aspects of science and its results.

So I hope all of you will join me at some point in the next day of wishing Mr. HALL an immensely wonderful 84th birthday tomorrow.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to share the happy birthday wishes to the distinguished ranking member and thank him for his bipartisan participation in not only this, but so many endeavors.

Congratulations, RALPH. You are a dear friend and a model to many of us, and I very much appreciate all your service.

I also want to thank Chairman GORDON for his leadership in not only this bill but the entire innovation agenda that has been moving through this Congress so efficiently and with, again, good bipartisan support.

I mentioned Mr. EHLERS repeatedly earlier tonight. He has been so central to the passage of this bill. And I especially want to thank the majority staff and the minority staff. We have worked very well together.

And I want to thank my dear friends and colleagues on the other side. Though we have had a spirited disagreement on some issues and agreed on some, it has been a civil debate, a well-intentioned debate, and I think it has advanced our discussion of the important role of this legislation.

The amendment by the gentleman from Georgia has been offered before. It has been defeated before on other bills. I would urge its defeat. And after we accomplish that, I would urge passage of this otherwise outstanding bill.

Mr. HALL of Texas. Mr. Chairman, I move to strike the last word.

I just want to rise to first thank Dr. EHLERS and reiterate my support for H.R. 1867. I think we have a good bill here that propels us on down the innovation and competitiveness path that the President is on and that we have been on. I also thank Chairman GORDON and Chairman BAIRD.

Dr. EHLERS, I thank you again for helping to make this a better bill. In fact, I would argue that there is no one in this body more familiar with NSF than you are.

□ 2230

I thank you for your work for and against some of these amendments.

I rise in support of the bill and urge an ''aye'' vote on it.

And, Dr. BAIRD, I thank you personally for your kindness and the classy way you've handled yourself today.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. 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 Georgia 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:

The amendment to Amendment No. 1 by Mr. SULLIVAN of Oklahoma.

Amendment No. 1 by Mr. HONDA of California.

Amendment No. 5 by Mr. CAMPBELL of California.

Amendment No. 4 by Mr. CAMPBELL of California.

Amendment No. 11 by Mr. GARRETT of New Jersey.

Amendment No. 7 by Mr. FLAKE of Arizona.

Amendment No. 8 by Ms. MATSUI of California.

Amendment No. 2 by Mr. PRICE of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SULLIVAN TO AMENDMENT NO. 1 OFFERED BY MR. HONDA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) to the amendment offered by the gentleman from California (Mr. HONDA) 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 166, noes 250, not voting 21, as follows:

[Roll No. 287]

AYES—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
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
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—250

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay

Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Emanuel
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
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)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—21

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Feeney
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Neal (MA)
Norton
Ortiz
Paul
Radanovich
Tancredo

□ 2255

Messrs. JOHNSON of Illinois, DAVIS of Illinois, REYES and RUSH changed their vote from ''aye'' to ''no.''

Mr. MACK and Mrs. SCHMIDT changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. HONDA

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 165, not voting 20, as follows:

[Roll No. 288]

AYES—252

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
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
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
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
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
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)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—20

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Mollohan
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

□ 2259

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 222, not voting 20, as follows:

[Roll No. 289]

AYES—195

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
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)
Cantor
Capito
Carney
Carter
Chabot
Chandler
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green, Gene
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—222

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

NOT VOTING—20

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Mollohan
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have 1 minute remaining to vote.

□ 2305

Mr. JOHNSON of Illinois changed his vote from ''aye'' to ''no.''

Mrs. BOYDA of Kansas changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, during Rollcall vote No. 289 on H.R. 1867, I mistakenly recorded my vote as "no" when I should have voted "aye." I ask unanimous consent that my statement appear in the RECORD immediately following Rollcall vote No. 289.

AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 301, not voting 21, as follows:

[Roll No. 290]

AYES—115

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Ellsworth
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Putnam
Rehberg
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (SC)
Young (FL)

NOES—301

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Dicks
Dingell
Doggett
Donnelly
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
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
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—21

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Doyle
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kaptur
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have 1 minute remaining to vote.

□ 2308

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 126, noes 292, not voting 19, as follows:

[Roll No. 291]

AYES—126

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ellsworth
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Putnam
Ramstad
Rehberg
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Taylor
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Young (FL)

NOES—292

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
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
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Eshoo
Etheridge
Everett
Farr
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
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
Sessions
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—19

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2313

Mr. PERLMUTTER changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) 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 CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 290, not voting 19, as follows:

[Roll No. 292]

AYES—128

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bean
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carney
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Donnelly
Doolittle
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillibrand
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Tiberi
Walberg
Wamp
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—290

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
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
Sessions
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—19

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2317

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. MATSUI) on which further proceedings were postponed and on which the ayes 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 186, not voting 19, as follows:

[Roll No. 293]

AYES—232

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
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
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
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)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
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

NOES—186

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

NOT VOTING—19

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2322

Mrs. GILLIBRAND changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 19, as follows:

[Roll No. 294]

AYES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
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
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
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)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
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
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
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
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
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
Shays
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)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—19

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McKeon
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2326

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BOYDA of Kansas) having assumed the chair, Mr. LYNCH, 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. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes, pursuant to House Resolution 349, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. HALL of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 399, noes 17, not voting 16, as follows:

[Roll No. 295]

AYES—399

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

NOES—17

Barrett (SC)
Campbell (CA)
Cannon
Deal (GA)
Duncan
Flake
Franks (AZ)
Hensarling
Hoekstra
Johnson, Sam
Jordan
Kingston
Linder
Pitts
Royce
Sali
Shadegg

NOT VOTING—16

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Ortiz
Paul
Radanovich
Sullivan
Tancredo

□ 2344

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE RULES OF THE HOUSE TO CLARIFY CERTAIN MATTERS RELATING TO OFFICIAL CONDUCT

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Standards of Official Conduct be discharged from further consideration of the resolution (H. Res. 363) amending the Rules of the House of Representatives to clarify certain matters relating to official conduct, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. COHEN). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 363

Resolved, That clause 15 of rule XXIII of the Rules of the House of Representatives is amended to read as follows:

''15. (a) Except as provided in paragraph (b), a Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on an aircraft.

''(b) Paragraph (a) does not apply if—

''(1) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules;

''(2) the aircraft is owned or leased by a Member, Delegate, Resident Commissioner or his or her family member (including an aircraft owned by an entity that is not a public corporation in which the Member, Delegate, Resident Commissioner or his or her family member has an ownership interest, provided that such Member, Delegate, or Resident Commissioner does not use the aircraft any more than the Member, Delegate, Resident Commissioner, or family member's proportionate share of ownership allows);

''(3) the flight consists of the personal use of an aircraft by a Member, Delegate, or Resident Commissioner that is supplied by an individual on the basis of personal friendship; or

''(4) the aircraft is operated by an entity of the Federal government or an entity of the government of any State.

''(c) In this clause—

''(1) the term 'campaign funds' includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act;

''(2) the term 'family member' means an individual who is related to the Member, Delegate, or Resident Commissioner, as father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law; and

''(3) the term 'on the basis of personal friendship' has the same meaning as in clause 5 of rule XXV and shall be determined as under clause 5(a)(3)(D)(ii) of rule XXV.''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROTECTING THE NATION'S HISTORICALLY BLACK COLLEGES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, we just finished looking at two very important legislative initiatives by the Democratic leadership and as well a bipartisan effort dealing with issues like Head Start and the National Science Foundation.

As you look at the question of education, I rise today to talk of the plight of historically black colleges in America. It is important that we recognize that America's competitive edge will be based upon the opportunities for all Americans.

I am disappointed in the U.S. Department of Education's failure to fully enforce the 1964 Civil Rights Act, title VI, and one of the victims of that failure of enforcement are schools in Texas, Texas Southern University and Prairie View A&M. It has now become a national issue, an issue of importance to America because we are falling behind.

That is why the National Science Foundation legislation was important, but it is now also important for the U.S. Department of Education to wake up and do its job in protecting the Nation's historically black colleges.

HONORING C.W. MATTHEWS

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

Mr. GINGREY. Mr. Speaker, I rise today to honor the memory of C.W. Matthews, a long-term businessman in Cobb County, Georgia. Mr. Matthews passed away on Sunday at the age of 84, and with his passing, our Nation lost of one of its most inspired industrialists

In the 1940s, a 23-year-old Matthews established the C.W. Matthews Contracting Company, which today is the largest highway contractor in the southeastern United States. C.W. was a natural businessman, making friends with ease, growing his company the old-fashioned way, through hard work.

Over the past 60 years, the company has employed thousands of workers, built many of the roads that help Cobb County thrive, and even worked on the expansion at Atlanta's Hartsfield-Jackson airport. In fact, Mr. Matthews, with only an eighth-grade education, created one of the most successful family-run businesses in the Nation.

Mr. Speaker, I want to tell Mr. Matthews' wife, Myrtle, of 66 years, his two sons, two grandsons, and seven great-grandchildren, the entire Cobb County community shares in your loss. We will always remember C.W. as a man of passion, drive and ingenuity.

I ask all my colleagues to join me in honoring the legacy of C.W. Matthews.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. BOREN. Mr. Speaker, I request that my name be removed from H. Res. 106.

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

There was no objection.

□ 2350

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COHEN). 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 gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

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

HONORING PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am pleased to draw the attention of the House and the Nation to Public Service Recognition Week, which will take place May 7 through May 13.

This week is set aside to remind us all of the vital work that public employees do every day across our country and to honor that work. In many ways, public employees are the daily embodiment of our democracy. Every day they carry out the programs and services chosen by our elected government from the Federal to the State to the local level.

Locally, where democracy has the most direct impact, public employees carry out the programs of elected city councils and school districts as they teach our children, run parks and recreation programs, police our neighborhoods, and perform a myriad of other services to make our communities continually better places to live. Public employees are there for us, the public, 24 hours a day, 7 days a week. In the middle of the night when a water main breaks and floods a street, when a home catches fire, or when a terrorist threat is identified, it is public employees who respond for our communities and for our Nation.

Mr. Speaker, I am continually impressed with the creativity and innovation of public-sector employees and leaders, as they deliver better services and value to the public, whether it's creatively combining scarce government resources to improve public safety, or teaming up government resources with community volunteers to provide needed home improvements for disabled seniors, or finding new ways to reduce air and water pollution. I think the public would be impressed to know that their tax dollars do have many good stewards who take pride in bringing them the best possible service for their tax dollars. My own mother is a public school teacher, so I know from experience how gifted public servants are at providing first-class services on a steerage budget.

On May 9 in Los Angeles, public employees representing a wide variety of Federal, State and local government agencies and school districts will gather for a Public Service Recognition Week ceremony. Thirteen individuals, teams and projects will be honored as winners of the public service recognition awards for outstanding contributions and service to the public.

Over 200 individuals, teams and projects were nominated for these awards. Since I will be performing my own duty as a public servant on May 9 here in this House, I want to take this opportunity to extend my appreciation and congratulations to everyone who will attend that Los Angeles ceremony and ceremonies like it all across our Nation.

Let me conclude by urging all of my colleagues to honor their public employees by cosponsoring House Resolution 307, which would formally designate Public Service Recognition Week and to support public service recognition events in their districts around the Nation in the coming week.

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.)

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

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

Mr. GOHMERT. Mr. Speaker, tomorrow this body will take up legislation that is referred to as hate crime legislation. On its face that sounds pretty innocuous, something we should all agree on. We are against hate.

Those of us who believe in the Bible would say that is not something that anyone should engage in. Hate. But the fact is there are laws across America that deal with crimes. What hate crime legislation does is carve out essential exemptions, special punishments for people who commit offenses.

In the past, hate crimes have been limited to felonies that involve serious bodily injury, that kind of thing, in most areas. But here for the first time, we are not going to enhance punishment, we are not going to just only spend money of Federal dollars to help other jurisdictions enforce their hate crime legislation. Now we created a special Federal crime that will allow the full weight of the Federal Government to go after those who, according to the law we will vote on tomorrow, in any circumstance, basically, willfully causes bodily injury to any person.

Now, most hate crime laws refer to serious bodily injury, but not in this legislation. We refer to bodily injury. We have lowered the bar dramatically. There are some jurisdictions that would say bodily injury can be temporary, no matter how temporary. It can be a touching, a pushing.

So, in other words, if someone opposed to your position that, perhaps, was having gender identity issues, like a transvestite, got between you and your office, and there were numbers of them, and you tried to get through to your office, then, as has happened in other places, he may be inclined now to go to the Federal Government, file a criminal complaint for which you could be arrested, and that would be bodily injury sufficient to rise to that level.

Now, some have said, in our committee, that this does not affect any speech, this is only actions. But the trouble is existing Federal law, under 18 U.S. Code 2(a) of the Federal Criminal Code, and I have taken an excerpt from it, says: ''Whoever aids . . . abets, counsels, commands, induces or procures'' a crime's commission is punishable as if they had committed the crime itself.

That's referred to in most jurisdictions as the law of principals. It's not a conspiracy law, it's a law of principals.

Therefore, as I ask about a hypothetical in committee, if a minister were to preach from the Bible or simply read from the Bible, or a rabbi were to read from the Torah or teach from it, or an imam was to read from the Koran, indicating that it is wrong to have sexual relations outside of the marriage of a man and a woman; if someone heard that and went out and committed an offense causing bodily injury, shooting someone, and then when they were questioned, they said, well, my minister, rabbi or imam said this was wrong, and this is what induced me to do this, well, under existing Federal law, when coupled with the law the majority wants to pass tomorrow, that minister could be charged under the law as a principal, as having shot the victim. That would mean that any sermons, any Bible teachings, any Koran or any Torah teachings that were perhaps on file at the home, in the office, on the hard drive, would then be admissible, because that is evidence that this individual taught and preached how wrong this was, which induced the individual to commit the crime.

Now, others say that's ridiculous, and it reminds me a great deal of the debate in this House in 1935, 1936, on Social Security, when some stood here and said, we don't want Social Security numbers because those will one day be utilized as identification numbers. That was roundly guffawed, this is ridiculous. This is simply a number on a Social Security account. It could never be identification. That's ridiculous. Others say, look, we have a provision in here that says first amendment speech.

The SPEAKER pro tempore. The time of the gentleman has expired.

U.N. RWANDA GENOCIDE EXHIBIT REVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for the remainder of the time until midnight.

Mr. PALLONE. Mr. Speaker, yesterday what was supposed to be an important U.N. exhibit educating the world about the Rwandan genocide was turned into a farce thanks to the actions of the Turkish Government. Three weeks ago, when the Rwanda genocide exhibit was originally set to open, the Turkish Government did what the Turkish Government often does, denied historical facts and objected to the exhibit because it objected to Armenian genocide as an example of genocide.

It was bad enough that this important U.N. exhibit documenting the Rwanda genocide was delayed by 3 weeks because Turkey continued to deny the past, but I was appalled when the exhibit was opened yesterday at the U.N. with one major revision.

Gone was the citing of the systematic killing of 1.5 millions Armenians as genocide. Instead it was referred to as a mass killing in order to appease the Turkish Government. No serious historical dispute exists about the Armenian genocide. Sadly, an intensive and well-financed effort by the Turkish Government has succeeded in preventing the United States, and now the U.N., from any formal recognition of the Armenian genocide.

This is the warped Turkish version of history, and it's simply not acceptable. The Turkish objection to this exhibit is the latest example of their genocide denial. It's absolutely ludicrous that an exhibit dedicated to the education and prevention of genocide would include Armenia as an example, use the definition of the term ''genocide,'' but not use the word ''genocide'' to describe the events.

How, exactly, are you educating the public about genocide when you refuse to call the first genocide of the 20th century by its name? The word ''genocide'' was actually created as a way to describe the barbaric crimes inflicted against the Armenians between 1915 and 1923, but now the word cannot be used in an exhibit at the U.N. This is utterly ridiculous.

Would you ever have an exhibit on Christianity without mentioning the birth of Christ? The same type of absurdity has been used by President Bush during his annual statement commemorating the anniversary of the Armenian genocide. Year after year the Bush administration continues to play word games by not calling evil by its proper name.

If I could just end by saying, I don't think that the U.N. response to genocides should be denigrated to a level acceptable to the Turkish Government. It's about time that the Bush administration started dictating a policy for Americans, not for a foreign government like Turkey. This lack of honesty is simply not acceptable.

Turkey should be condemned for its policy of denying the Armenian genocide. As a global community we must collectively stand for historical truth and properly recognize the worst humanitarian crimes we have seen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MCMORRIS RODGERS (at the request of Mr. BOEHNER) for the week of April 30 and the week of May 7 on account of maternity leave.

Mr. GRAVES (at the request of Mr. BOEHNER) from 6:30 p.m. today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. LINDA T. SANCHEZ OF CALIFORNIA, FOR 5 MINUTES, TODAY.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 9.

Mr. MCCOTTER, for 5 minutes, May 3.

Ms. ROS-LEHTINEN for 5 minutes, for May 8 and May 9.

Mr. GOHMERT, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 1, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 1591. Making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

H.R. 1681. To amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross in the 21st century, and for other purposes.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, May 3, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1443. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Border; Quarantined Areas; Michigan [APHIS-2006-0131] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1444. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viruses, Serums, Toxins, and Analogous Products; Suspension, Revocation, or Termination of Biological Licenses or Permits; Inspections [APHIS Docket No. 02-107-2] (RIN: No. 0579-AC29) received April 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1445. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule — Rules of Practice Governing Proceedings under the Packers and Stockyards Act (RIN: 0580-AA97) received April 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1446. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Soybean Promotion and Research: Qualified State Soybean Boards; Correction [Docket No. LS-06-06] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1447. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Processed Fruits and Vegetables [Docket # AMS-FV-07-0025; FV-05-379] (RIN: 0581-AC56) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1448. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Change in Handling Requirements [Docket No. AMS-FV-06-0208; FV07-966-1 IFR] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1449. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2006-2007 Marketing Year [Docket No. AMS-FV-06-0175; FV07-982-1 IFR] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1450. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cut Flowers From Countries With Chrysanthemum White Rust [Docket No. 03-016-3] (RIN: 0579-AC18) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1451. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Albert M. Calland III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1452. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Donald J. Wetekam, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1453. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

1454. A letter from the General Counsel, Department of Commerce, transmitting a copy of draft legislation to amend the Communications Act of 1934 to terminate the Telecommunications Development Fund; to the Committee on Energy and Commerce.

1455. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1456. A letter from the President, Overseas Private Investment Corporation, transmitting a copy of a draft bill entitled, ''To amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation''; to the Committee on Foreign Affairs.

1457. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2007 through March 31, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No.110–32); to the Committee on House Administration and ordered to be printed.

1458. A letter from the Secretary, Department of Interior, transmitting a copy of a draft bill entitled, ''Reclamation Water Management Improvement Act''; to the Committee on Natural Resources.

1459. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting a copy of a draft bill entitled, ''to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005 and for other purposes''; to the Committee on Natural Resources.

1460. A letter from the Chairman —— Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES-2007 UPDATE [STB Ex Parte No. 542 (Sub-No. 14)] received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Phillipsburg, KS. [Docket No. FAA-2006-25943; Airspace Docket No. 06-ACE-13] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Thedford, NE. [Docket No. FAA-2006-25942; Airspace Docket No. 06-ACE-12] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes [Docket No. FAA-2006-25582; Directorate Identifier 2006-CE-42-AD; Amendment 39-14813; AD 2006-23-01] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, PW4090-3, and PW4098 Turbofan Engines [Docket No. FAA-2006-24487; Directorate Identifier 2006-NE-13-AD; Amendment 39-14810; AD 2006-22-13] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes [Docket No. FAA-2006-25634; Directorate Identifier 2006-NM-143-AD; Amendment 39-14844; AD 2006-25-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-159 Airplanes [Docket No. 96-NM-143-AD; Amendment 39-14843; AD 2006-25-02] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2006-24814; Directorate Identifier 2006-NM-093-AD; Amendment 39-14833; AD 2006-24-04] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ and EMB-145XR Airplanes [Docket No. 2004-NM-36-AD; Amendment 39-14788; AD 2006-21-04] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1469. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2006-24010; Directorate Identifier 2006-CE-14-AD; Amendment 39-14787; AD 2006-21-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1470. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10 Series Airplanes; DC-9-20 Series Airplanes; DC-9-30 Series Airplanes; DC-9-40 Series Airplanes; and DC-9-50 Airplanes [Docket No. FAA-2005-21779; Directorate Identifier 2002-NM-349-AD; Amendment 39-14790; AD 2006-21-06] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1471. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Propellers and McCauley Propeller Systems Controllable Propellers. [Docket No. FAA-2005-20141; Directorate Identifier 2005-NE-01-AD; Amendment 39-14836; AD 2006-24-07] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1472. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 409A to Nonqualified Deferred Compensation Plans [TD 9321] (RIN: 1545-BE79) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1473. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disallowance of Certain Entertainment, Etc., Expenses — received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1474. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, ''Child Labor Protection Act of 2007''; jointly to the Committees on Education and Labor and the Judiciary.

1475. A letter from the Chairman, Federal Election Commission, transmitting 5 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration and the Judiciary.

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. LANTOS: Committee on Foreign Affairs. H.R. 982. A bill to promote democratic values and enhance democracy, and for other purposes (Rept. 110–119). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 364. Resolution providing for consideration of the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes (Rept. 110–120). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOUCHER (for himself, Mr. PENCE, Mr. CONYERS, Mr. COBLE, Mr. YARMUTH, and Mr. WALDEN of Oregon):

H.R. 2102. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. ALLEN, Mrs. TAUSCHER, Mr. HASTINGS of Florida, Mr. SARBANES, Ms. SHEA-PORTER, Mr. KUCINICH, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, and Mrs. MCCARTHY of New York):

H.R. 2103. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Education and Labor.

By Mr. BARRETT of South Carolina (for himself, Mr. KUHL of New York, Mr. ALEXANDER, Mr. LAMBORN, Mr. LUCAS, Mr. MARCHANT, Mr. GARRETT of New Jersey, Mr. WELDON of Florida, Mr. HOEKSTRA, Mr. PEARCE, Mr. CAMPBELL of California, Mr. GOHMERT, Mr. GINGREY, Mr. BILBRAY, Mr. PITTS, Mr. AKIN, Mr. GOODE, Mrs. BLACKBURN, Mr. CANTOR, Mr. RYAN of Wisconsin, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. WALBERG, Mr. SHADEGG, Mrs. MUSGRAVE, Ms. FOXX, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. WICKER, Mrs. EMERSON, Mr. EVERETT, Mr. BROWN of South Carolina, and Mr. CARTER):

H.R. 2104. A bill to protect the right of elected and appointed officials to express their religious beliefs through public prayer; to the Committee on the Judiciary.

By Mr. CHANDLER:

H.R. 2105. A bill to prevent the abuse and exploitation of older individuals; to the Committee on the Judiciary.

By Mr. CHANDLER:

H.R. 2106. A bill to ensure that sex offenders and sexually violent predators are not eligible for parole; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 2107. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Ms. DEGETTE, Mr. MORAN of Virginia, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Ms. MATSUI, and Mrs. DAVIS of California):

H.R. 2108. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food for humans and pets; to the Committee on Energy and Commerce.

By Mrs. DRAKE:

H.R. 2109. A bill to amend title 18, United States Code, to provide Federal penalties for certain killings by illegal aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself, Mr. PETERSON of Minnesota, Mr. TERRY, and Mr. SMITH of Nebraska):

H.R. 2110. A bill to amend the Internal Revenue Code of 1986 to provide for tax exempt qualified small issue bonds to finance agricultural processing property; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. WU, and Mr. REYES):

H.R. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership program in foreign languages; to the Committee on Education and Labor.

By Mr. ISRAEL:

H.R. 2112. A bill to amend the Energy Policy Act of 1992 to require the Federal Government to acquire not fewer than 50,000 plug-in hybrid electric vehicles; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida:

H.R. 2113. A bill to grant a right of first refusal to the Town of Jupiter Island, Florida, with respect to Coast Guard property on Jupiter Island, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Ms. LEE, Mr. CROWLEY, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. CASTLE, Mr. MICHAUD, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. LANTOS, Mr. ALLEN, Mr. GRIJALVA, Mr. MCNULTY, Ms. WOOLSEY, Mr. CARNAHAN, Ms. SCHAKOWSKY, and Ms. WATSON):

H.R. 2114. A bill to provide a United States voluntary contribution to the United Nations Population Fund only for the prevention, treatment, and repair of obstetric fistula; to the Committee on Foreign Affairs.

By Mr. MARSHALL:

H.R. 2115. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida (for himself and Mr. CANTOR):

H.R. 2116. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BURTON of Indiana, Mr. SHAYS, Mr. BARTLETT of Maryland, and Mr. DUNCAN):

H.R. 2117. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning foods and dietary supplements, to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. BOUSTANY, Mr. MARSHALL, Mr. GRAVES, Mr. PUTNAM, Mr. THOMPSON of Mississippi, and Mr. AKIN):

H.R. 2118. A bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture.

By Mr. POMEROY (for himself, Mr. COLE of Oklahoma, and Mr. KILDEE):

H.R. 2119. A bill to amend titles I and IV of the Employee Retirement Income Security Act of 1974 to modify the definition of governmental plan with respect to Indian tribal

governments; to the Committee on Education and Labor, 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. STUPAK:

H.R. 2120. A bill to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe; to the Committee on Natural Resources.

By Mr. STUPAK (for himself and Mr. CAMP of Michigan):

H.R. 2121. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. ALEXANDER:

H. Res. 362. A resolution honoring the life of Coach Edward ''Eddie'' Robinson; to the Committee on Education and Labor.

By Mr. PETERSON of Minnesota (for himself and Mr. GRAVES):

H. Res. 363. A resolution amending the Rules of the House of Representatives to clarify certain matters relating to official conduct; to the Committee on Standards of Official Conduct. considered and agreed to.

By Mr. HONDA (for himself, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. FARR, and Mr. MCNERNEY):

H. Res. 365. A resolution honoring San Jose State University for its 150 years of commitment to public higher education; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. TOWNS, and Mr. DENT):

H. Res. 366. A resolution supporting the goals and ideals of National Hepatitis B Awareness Week; to the Committee on Energy and Commerce.

By Mr. SALI:

H. Res. 367. A resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial; to the Committee on Armed Services, and in addition to the Committees on Natural Resources, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

29. The SPEAKER presented a memorial of the General Assembly of the State of North Dakota, relative to Senate Concurrent Resolution No. 4016 urging the Congress of the United States to direct the United States Army Corps of Engineers to address and rectify the problems caused by the accumulation of sediment in the Missouri River main stem reservoirs; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. DAVIS of Alabama.

H.R. 71: Mr. SENSENBRENNER, Mr. MARCHANT, Mr. CARTER, Mr. WELDON of Florida, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey.

H.R. 174: Ms. BERKLEY, Ms. ROYBAL-ALLARD, and Mr. SCHIFF.

H.R. 241: Mr. RYAN of Wisconsin.

H.R. 243: Mr. GORDON.

H.R. 254: Ms. SCHAKOWSKY.

H.R. 321: Mr. TURNER.

H.R. 333: Mr. DEFAZIO and Mr. MCCOTTER.

H.R. 369: Mrs. DAVIS of California.

H.R. 371: Mr. SHIMKUS.

H.R. 468: Mr. SCOTT of Virginia.

H.R. 538: Mr. HARE.

H.R. 539: Mr. JOHNSON of Georgia.

H.R. 562: Mr. WILSON of Ohio.

H.R. 566: Mr. ACKERMAN.

H.R. 579: MR. ALTMIRE and Mr. SCHIFF.

H.R. 601: Mr. KELLER, Mr. PETRI, Mrs. MCMORRIS RODGERS, Ms. FOXX, Mr. KUHL of New York, Mr. CASTLE, Mr. SOUDER, Mr. EHLERS, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 620: Mr. DOGGETT.

H.R. 642: Ms. HOOLEY, Mr. PETERSON of Minnesota, and Mr. LAMPSON.

H.R. 643: Mr. LARSEN of Washington, Mr. MCNERNEY, Ms. HOOLEY, Mr. MARSHALL, Ms. WATSON, Mr. TERRY, Mr. BOUCHER, Mr. PENCE, and Mr. CONAWAY.

H.R. 690: Mr. PETERSON of Minnesota.

H.R. 692: Ms. ZOE LOFGREN of California.

H.R. 698: Mr. SIRES, Mrs. CAPPS, and Mr. ALTMIRE.

H.R. 699: Mr. TURNER.

H.R. 715: Mr. LOEBSACK.

H.R. 725: Mr. FORTENBERRY.

H.R. 726: Mr. RAHALL.

H.R. 729: Mr. OLVER and Mr. LEVIN.

H.R. 736: Mr. BILIRAKIS.

H.R. 741: Mr. ARCURI, Mr. GORDON, Mr. LYNCH, Mr. ROTHMAN, Mr. PASCRELL, Mr. LOBIONDO, Mr. HOLT, Mr. KING of New York, Mr. SIRES, Mr. PITTS, and Mr. BRADY of Pennsylvania.

H.R. 750: Ms. MOORE of Wisconsin, Ms. CLARKE, Mrs. CHRISTENSEN, Ms. WATSON, Mr. CUMMINGS, Mr. JEFFERSON, Mr. LEWIS of Georgia, Ms. SOLIS, Mr. RANGEL, and Ms. LEE.

H.R. 758: Mr. ALTMIRE.

H.R. 770: Mr. WATT.

H.R. 782: Mr. JACKSON of Illinois, Mr. BERRY, and Mr. AKIN.

H.R. 784: Ms. HOOLEY.

H.R. 808: Mr. MCNULTY.

H.R. 821: Ms. SCHAKOWSKY and Mr. MCCOTTER.

H.R. 864: Mrs. EMERSON and Mr. HINOJOSA.

H.R. 871: Mr. FILNER and Mr. PAYNE.

H.R. 882: Mr. MCCOTTER and Mr. CUELLAR.

H.R. 906: Ms. GIFFORDS.

H.R. 909: Mr. FARR and Mr. MCCOTTER.

H.R. 916: Mr. WATT.

H.R. 938: Mrs. BOYDA OF KANSAS.

H.R. 943: Mr. DICKS.

H.R. 964: Mr. MOORE of Kansas.

H.R. 969: Mr. LIPINSKI, Ms. DELAURO, Mr. KANJORSKI, Mr. OLVER, Mr. ENGEL, Mr. SERRANO, and Mr. SESTAK.

H.R. 970: Mr. MATHESON.

H.R. 971: Mr. CUELLAR.

H.R. 980: Mrs. CAPITO, Mr. GALLEGLY, Mr. WATT, Mrs. MCCARTHY of New York, and Ms. HOOLEY.

H.R. 1008: Mr. POMEROY.

H.R. 1023: Mr. MEEKS of New York.

H.R. 1032: Ms. NORTON and Mr. RUSH.

H.R. 1039: Mr. WATT.

H.R. 1063: Mr. MELANCON.

H.R. 1072: Mr. MORAN of Virginia.

H.R. 1078: Ms. NORTON and Mr. KING of New York.

H.R. 1084: Ms. WOOLSEY.

H.R. 1092: Mr. MICHAUD.

H.R. 1107: Ms. NORTON, Mr. FARR, and Mr. ISSA.

H.R. 1108: Mr. LOEBSACK, Mr. NEAL of Massachusetts, Mr. AL GREEN of Texas, and Mr. RODRIGUEZ.

H.R. 1115: Mr. DANIEL E. LUNGREN of California.

H.R. 1125: Mr. THORNBERRY, Mr. WAMP, Mr. FLAKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CUBIN, and Mr. CARNAHAN.

H.R. 1127: Mr. MORAN of Virginia, Ms. GRANGER, and Mr. LATOURETTE.

H.R. 1131: Mrs. CAPITO, Mrs. JO ANN DAVIS of Virginia, and Mr. WEXLER.

H.R. 1157: Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mrs. MALONEY of New York, Mr. CLAY, Mr. KIRK, Ms. VELÁZQUEZ, Ms. ROS-LEHTINEN, Mr. HOLT, Mr. SHERMAN, Ms. SHEA-PORTER, Mr. HASTINGS of Florida, Mr. GARRETT of New Jersey, Mr. WALZ of Minnesota, Mr. DEFAZIO, Mr. JINDAL, Ms. BALDWIN, Mr. DAVIS of Illinois, Mr. FILNER, Mr. THOMPSON of California, Mr. RANGEL, Ms. MOORE of Wisconsin, Ms. WATERS, Mr. WELLER, Mr. SALAZAR, Mr. STARK, Mr. SCOTT of Georgia, Mr. SIRES, Mr. ALTMIRE, Mr. BOSWELL, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. FARR, and Ms. JACKSON-LEE of Texas.

H.R. 1179: Mr. GORDON.

H.R. 1189: Mr. MARKEY.

H.R. 1216: Mr. WAXMAN and Mr. MARKEY.

H.R. 1225: Mr. WYNN, Mr. HONDA, Ms. CLARKE, and Mr. MORAN of Virginia.

H.R. 1237: Mr. RYAN of Wisconsin and Mr. BONNER.

H.R. 1239: Mr. MORAN of Virginia.

H.R. 1246: Mr. MEEK of Florida and Mr. MURPHY of Connecticut.

H.R. 1259: Mr. VAN HOLLEN.

H.R. 1264: Mr. PETRI.

H.R. 1275: Ms. SCHAKOWSKY.

H.R. 1304: Mr. MCCOTTER, Mr. ROSKAM, and Mr. CRENSHAW.

H.R. 1307: Mr. MILLER of Florida.

H.R. 1342: Mr. MILLER of Florida.

H.R. 1344: Mr. HIGGINS.

H.R. 1363: Mr. ROTHMAN and Mr. DAVIS of Illinois.

H.R. 1365: Mr. HERGER.

H.R. 1366: Mr. HERGER, Mr. RAMSTAD, and Mr. SMITH of Nebraska.

H.R. 1381: Mr. BAIRD.

H.R. 1385: Mrs. JONES of Ohio, Ms. Sutton, Mr. TIBERI, Mr. LANTOS, Ms. SCHAKOWSKY, and Mr. HIGGINS.

H.R. 1393: Mrs. SCHMIDT.

H.R. 1406: Mr. SHULER and Ms. JACKSON-LEE of Texas.

H.R. 1415: Mr. GUTIERREZ, Mr. MORAN of Virginia, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mrs. GILLIBRAND, Mr. DEFAZIO, and Mr. FARR.

H.R. 1416: Mr. CUMMINGS, Mr. GUTIERREZ, Mr. MORAN of Virginia, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Mr. DEFAZIO, Mr. HODES, Mr. FARR, and Mr. JACKSON of Illinois.

H.R. 1418: Mr. CROWLEY.

H.R. 1422: Mrs. TAUSCHER and Mr. PALLONE.

H.R. 1428: Mr. GORDON.

H.R. 1430: Mr. HELLER, Mrs. BOYDA of Kansas, and Mr. MCCOTTER.

H.R. 1441: Mrs. LOWEY.

H.R. 1448: Mr. WATT.

H.R. 1461: Mr. ELLISON.

H.R. 1464: Mr. CLAY, Mr. ROTHMAN, Mr. KILDEE, Mr. PAYNE, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Ms. DELAURO, Mr. INSLEE, Ms. HIRONO, and Mr. LEVIN.

H.R. 1473: Mr. BRALEY of Iowa and Mr. BUTTERFIELD.

H.R. 1477: Mr. PLATTS.

H.R. 1507: Mr. SIRES, Ms. ESHOO, Mr. KILDEE, and Mr. LEWIS of Georgia.

H.R. 1509: Mr. THOMPSON of California.

H.R. 1514: Mr. DENT, Mr. EHLERS, Mr. BOREN, Mr. MARSHALL, Mr. WOLF, and Mr. RUSH.

H.R. 1524: Ms. SCHWARTZ.

H.R. 1537: Mr. MEEK of Florida, Mr. LIPINSKI, Ms. ESHOO, and Mr. SCHIFF.

H.R. 1539: Mr. HERGER.

H.R. 1540: Mr. MEEKS of New York, Mr. SENSENBRENNER, and Mr. VAN HOLLEN.

H.R. 1551: Mr. RUSH, Mr. CLAY, Ms. BERKLEY, and Mr. BRADY of Pennsylvania.

H.R. 1560: Mr. DAVIS of Illinois.

H.R. 1565: Mr. PETRI.

H.R. 1567: Mr. LEWIS of Georgia, Mr. MCCAUL of Texas, and Mr. STARK.

H.R. 1576: Mr. RYAN of Wisconsin and Mr. BACHUS.

H.R. 1586: Mr. SMITH of Nebraska.

H.R. 1600: Ms. BERKLEY, Mr. MICA, Mr. CRENSHAW, Mr. KAGEN, and Mr. PRICE of North Carolina.

H.R. 1614: Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. FARR, Mr. VAN HOLLEN, Mr. OLVER, Mr. COHEN, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. KIND, Ms. WOOLSEY, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. DAVIS of Illinois, Mr. KUCINICH, Ms. ESHOO, Mr. MCGOVERN, Mr. HONDA, and Mr. FATTAH.

H.R. 1616: Mr. HIGGINS and Ms. WATERS.

H.R. 1645: Mr. NEAL of Massachusetts, Mr. FALEOMAVAEGA, and Mr. KUCINICH.

H.R. 1649: Mr. MORAN of Virginia.

H.R. 1653: Mr. SCOTT of Georgia.

H.R. 1687: Mr. JACKSON of Illinois and Mr. CHABOT.

H.R. 1698: Mr. DAVIS of Illinois.

H.R. 1700: Mr. HALL of New York, Mr. CLEAVER, Mr. MICHAUD, Mrs. JONES of Ohio, Mr. COURTNEY, and Mr. ARCURI.

H.R. 1709: Mrs. GILLIBRAND.

H.R. 1730: Mr. KAGEN.

H.R. 1738: Ms. ZOE LOFGREN of California, Mr. BOREN, Mr. RAHALL, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. BILBRAY, and Ms. ROS-LEHTINEN.

H.R. 1742: Mr. DOYLE and Mr. CARNAHAN.

H.R. 1745: Mr. PASTOR.

H.R. 1747: Mr. FARR.

H.R. 1752: Mr. TERRY.

H.R. 1755: Mr. ELLISON.

H.R. 1756: Mr. MCINTYRE and Ms. FOXX.

H.R. 1773: Mr. WALZ of Minnesota, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, and Ms. KAPTUR.

H.R. 1778: Mr. ANDREWS, Mr. HASTINGS of Washington, Mr. FLAKE, Mr. PAYNE, Mrs. JONES of Ohio, and Mr. HENSARLING.

H.R. 1781: Mr. RAMSTAD, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. MCCOLLUM of Minnesota, Mr. RANGEL, Mr. DUNCAN, and Mr. Yarmuth.

H.R. 1801: Ms. SCHAKOWSKY.

H.R. 1808: Mr. CALVERT, Mr. MCCOTTER, Mr. FEENEY, Mr. JONES of North Carolina, Mr. YOUNG of Florida, and Mr. MILLER of Florida.

H.R. 1809: Mr. CARNAHAN, Mr. HOLT, and Mr. LARSEN of Washington.

H.R. 1811: Mrs. CAPITO.

H.R. 1813: Mr. GRIJALVA and Mr. MOORE of Kansas.

H.R. 1819: Ms. MATSUI, Mr. HINCHEY, Mr. BOSWELL, Mr. HONDA, and Mr. SCHIFF.

H.R. 1820: Mr. BLUMENAUER and Mr. MCGOVERN.

H.R. 1821: Mr. MCNULTY, Mr. INSLEE, Mr. WU, Mr. SCHIFF, and Ms. LORETTA SANCHEZ of California.

H.R. 1884: Mr. WICKER.

H.R. 1907: Mr. SMITH of New Jersey, Mr. GERLACH, and Mr. PALLONE.

H.R. 1927: Mrs. CAPPS, Mr. DEFAZIO, Mrs. JO ANN DAVIS of Virginia, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. MCINTYRE, Ms. BERKLEY, Mr. LIPINSKI, Mr. FATTAH, Mr. DOGGETT, and Ms. KAPTUR.

H.R. 1930: Mr. DOOLITTLE.

H.R. 1943: Ms. SOLIS.

H.R. 1948: Mr. PRICE of North Carolina.

H.R. 1951: Mr. SHULER.

H.R. 1960: Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. JONES of North Carolina, Mr. ELLISON, and Ms. BERKLEY.

H.R. 1964: Ms. DEGETTE, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, and Mr. VAN HOLLEN.

H.R. 1971: Ms. HARMAN and Ms. BERKLEY.

H.R. 1974: Mr. JONES of North Carolina and Mr. FERGUSON.

H.R. 1981: Mr. BOREN.

H.R. 1986: Mr. MARSHALL.

H.R. 1992: Mr. GRIJALVA and Mr. WALZ of Minnesota.

H.R. 2015: Ms. SHEA-PORTER, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. KILDEE, Ms. DEGETTE, and Mr. COHEN.

H.R. 2035: Mr. PETERSON of Pennsylvania.

H.R. 2060: Mr. ARCURI, Mr. ELLSWORTH, Mrs. DAVIS of California, Mr. SPRATT, Mr. BUCHANAN, Mr. KIRK, Mr. COHEN, and Mr. TERRY.

H.R. 2061: Ms. CARSON.

H.R. 2063: Mr. KELLER, Mrs. MALONEY of New York, Mr. KIRK, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. ISRAEL, Ms. MCCOLLUM of Minnesota, Mr. MCNULTY, and Mr. UPTON.

H.R. 2074: Mr. MCCAUL of Texas and Mr. RANGEL.

H.R. 2075: Mr. LEWIS of Georgia, Mr. MICHAUD, and Mr. WELLER.

H.R. 2091: Ms. SCHWARTZ.

H.R. 2095: Mr. YOUNG of Alaska.

H.J. Res. 6: Mr. TURNER.

H.J. Res. 42: Mr. GRIJALVA, and Mr. JACKSON of Illinois.

H. Con. Res. 25: Mr. WELCH of Vermont.

H. Con. Res. 48: Mr. PAYNE and Mr. POE.

H. Con. Res. 70: Mr. FRANK of Massachusetts, Mr. ARCURI, Mr. WAXMAN, and Mr. GORDON.

H. Con. Res. 91: Ms. WOOLSEY.

H. Con. Res. 102: Ms. SCHAKOWSKY.

H. Con. Res. 104: Ms. BEAN, Mr. HINOJOSA, Mr. ELLISON, and Mr. STARK.

H. Con. Res. 125: Mr. FRANK of Massachusetts.

H. Con. Res. 126: Ms. SCHAKOWSKY.

H. Con. Res. 133: Mr. GRIJALVA.

H. Con. Res. 138: Mr. BURTON of Indiana.

H. Res. 121: Mr. FARR, Mr. LEWIS of Georgia, Mr. FERGUSON, and Mr. ANDREWS.

H. Res. 137: Ms. BERKLEY.

H. Res. 194: Mr. CLYBURN, Ms. MCCOLLUM of Minnesota, Mr. SCOTT of Georgia, and Mr. BOUCHER.

H. Res. 223: Mr. ROSKAM.

H. Res. 231: Mr. MANZULLO, Ms. FALLIN, Mr. GOODE, Mrs. MYRICK, Mr. MCHENRY, Mr. CHABOT, Mr. CANTOR, Mr. KLINE of Minnesota, Mrs. MUSGRAVE, Mr. CULBERSON, Mr. HERGER, Mr. WELDON of Florida, Mr. CAMPBELL of California, and Mr. GINGREY.

H. Res. 241: Mr. DOYLE and Mr. SIRES.

H. Res. 282: Mr. LIPINSKI, Mr. KIND, Mrs. MCCARTHY of New York, Mr. PLATTS, Mr. MURTHA, Mr. HOLDEN, Ms. MCCOLLUM of Minnesota, Ms. SCHWARTZ, Mr. SHERMAN, Mr. HONDA, Mr. FERGUSON, Mr. ENGLISH of Pennsylvania, Mr. Shimkus, and Mrs. NAPOLITANO.

H. Res. 295: Mr. CONAWAY and Mr. MANZULLO.

H. Res. 296: Mr. KLEIN of Florida.

H. Res. 307: Mr. JOHNSON of Georgia and Ms. SCHAKOWSKY.

H. Res. 313: Mr. BISHOP of Georgia, Mr. BACA, Mr. SCOTT of Virginia, Ms. SUTTON, Mr. POE, and Mr. GOODLATTE.

H. Res. 345: Mr. WEINER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. BOREN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

18. The SPEAKER presented a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-355-07 desginating the Magic City Children's Zone and urging the Florida Legislature to provide for creation of the Magic City Children's Zone Pilot Project; to the Committee on Education and Labor.

19. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-353-07 urging the Florida Legislature to require Florida schools to provide information to 11- and 12-year old girls and their parents about Human Papillomavirus (HPV); to the Committee on Energy and Commerce.

20. Also, a petition of the City Council of Berkeley, California, relative to Resolution No. 63,611 — N.S. opposing United States military intervention or use of force in Iran; to the Committee on Foreign Affairs.

21. Also, a petition of the City Council of Berkeley, California, relative to Resolution No. 63,606 — N.S. commending Barbara Lee for introducing H.R. 351, ''The Haiti Truth Act''; to the Committee on Foreign Affairs.

22. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-350-07 urging the Florida Legislature to designate Biscayne Boulevard from N.E. 54th Street to N.E. 95th Street as ''M. Athalie Range Boulevard''; to the Committee on Oversight and Government Reform.

23. Also, a petition of the City Council of Huron, California, relative to Resolution No. 1551 objecting to Immigration and Customs Enforcement (I.C.E.) Raids Under Operation Return to Sender; to the Committee on the Judiciary.

24. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-351-07 urging the Congress of the United States to fully fund the local mandates included in the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

25. Also, a petition of the City Council of the City of Mendota, California, relative to Resolution No. 07-10 objecting to Immigration and Customs Enforcement (I.C.E.) Raids under Operation Return to Sender; to the Committee on the Judiciary.

26. Also, a petition of the City Council of Berkeley, California, relative to Resolution No. 63,587 — N.S. opposing the war in Iraq; jointly to the Committees on Foreign Affairs and Armed Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Omitted from the Record on May 1, 2007]

H.R. 1867

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 9: In section 3(c)(1), strike ''There'' and insert ''Except as provided in paragraph (3), there''.

At the end of section 3(c), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2009 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2010 is less than $18,026,300,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2010 is less than $4,757,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2010 is less than $6,625,700,000.

[Submitted May 2, 2007]

H.R. 1867

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 13: On page 10, line 15 after ''Act.'' Add the following:

Special consideration shall be given to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (30 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))) and Hispanic-serving institution as that term is used in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

On page 11, line 24 after ''Act.'' Add the following:

Special consideration shall be given to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))) and Hispanic-serving institutions as that term is used in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, MAY 2, 2007 No. 71

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, light of the world, give the Members of this body Your light. Shine Your light to help them see the truth. Shine Your light so they can see the path You desire them to travel. Shine Your light so they can see themselves as they truly are and not take for granted the freedoms they enjoy. Shine Your light so they may live expectantly, open for what You will do or give. Shine Your light so they may see You in all Your majesty and love. Lord, fill this Chamber with the light of Your presence, enabling each Senator to discern and do Your will.

We pray in Your radiant Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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, May 2, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN 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, the Senate will now begin a 60-minute period of morning business, the majority controlling the first half, Republicans controlling the final portion. Following the usage of all morning business, we will resume consideration of S. 1082, the FDA authorization legislation.

Yesterday, Senator DORGAN offered an amendment relating to drug reimportation. A cloture motion was filed on that last night. The cloture vote will occur tomorrow morning. Amendments in the second degree to the Dorgan amendment would have to be filed 1 hour prior to the cloture vote. I hope other Members who have amendments will file them as quickly as possible, to work with the managers. We have Senators KENNEDY and ENZI who are handling the legislation. They have a good relationship. They have done a lot already on this complicated legislation.

Yesterday, I indicated to the staff on both sides of the aisle that it may be necessary to have votes as early as noon on Monday. I hope we can finish the FDA bill tomorrow. If we can, then likely there would be no votes and we would move to other legislation, which would be WRDA, which has passed the House overwhelmingly. It came out of committee under the guidance of Senators BOXER and INHOFE, and we should be able to finish that bill next week.

Immigration is still on line to come up in the last 2 weeks of this work period. Next Wednesday, a week from today, I will rule XIV legislation that will put us in line to move to this during the last 2 weeks of this work period. It is legislation that is badly needed. We have had numerous meetings of Democratic and Republican Senators that have been going on for about 3 months. Progress has not been as we anticipated on either side, but we are going to move to this. Something has to be done. If we don't complete this legislation over here, then it certainly won't be done this year. Next year, a Presidential election year will make it very difficult. The three areas, of course, that are of concern are border security, and it is necessary that we visit that to see what can be done; with temporary workers, a pathway to legalization for the 12 million people who are here with bad paper; then we have to finally make sure we do something to make sure the employer sanctions aspect of the law is meaningful. At the present time, it is not. We have a lot to do there. I have had conversations with Senator KENNEDY, Senator LEAHY, and a number of other interested Senators over the last several weeks, including Senator KYL and others on the Republican side.

Mr. President, the President did veto the spending bill we sent him last night. It is unfortunate, but he did veto it. There will be a veto-override vote in the House tonight, it is my understanding.

The first piece of legislation dealing with another bill to send to the President will come to us from the House. I have had a number of consultations with Speaker PELOSI. At this stage, we are going to wait and see what happens at the White House today. The ball is in the President's court. He has to come forward with something that is satisfactory to Democrats and a significant number of Republicans.

There has to be some change of direction in the war. We find ourselves in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

the middle of a civil war where hundreds and hundreds of people are being killed each week, where we are losing soldiers at a rate that is untoward even in this war. Last month was the highest casualty rate this year. In the 51 months of the war, it is one of the highest casualty rates. So it is something for which we have to carry the wishes of the American people into legislation and change this war and bring our troops home.

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, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority, the second half of the time under the control of the Republicans.

The Senator from Washington is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mrs. MURRAY. Mr. President, we are now in the fifth year of the war in Iraq. Once again this year, the President failed to include an honest cost of the war in the budget he sends to Congress every year. Why is that so important at this time? If the President had initially sent to Congress a realistic budget instead of one that is intended to make his fiscal policies look less irresponsible, our men and women in the service wouldn't be faced with debate after debate after debate on emergency spending bills to pay for the cost of the war. Unfortunately, again, he did not send us a budget that was honest and paid for the war. So what we have now is an emergency spending bill for Iraq and other emergencies.

Unfortunately, last night—and sadly, in my opinion—the President decided to say no to our men and women in Iraq, to our veterans, to victims of Katrina, and to many other people who needed this measure passed and signed by him.

Democrats understand that our troops and their families should not pay for the President's budget games. That is why we passed funding for the emergency supplemental at record speed—faster, in fact, than the Republicans did in the last 2 years. Back in 2005, the Republican Congress didn't send the President emergency funding until May 10. In 2006, the Republican Congress did not send an emergency funding bill until June 15. Not only did we send the White House a bill earlier than ever, we sent legislation that contained more funds than the President requested and all the money our troops need. Unfortunately for our troops, yesterday, 4 years after President Bush declared ''mission accomplished'' and 12 days after it was reported that 104 American servicemembers died in April, making it the deadliest month since the surge began, the President decided to veto that bill. With that, he decided to delay the funding for our troops.

Included in that bill were billions of dollars to help solve the problems facing our men and women in uniform when they return home. The President didn't ask for those critical dollars. In fact, he has never included our wounded warriors as a cost of the war. Their families and now both Houses of the Congress understand the obligation to our heroes and have included them as a cost of war in this bill.

The bill we sent to the President provided money to improve Walter Reed and other VA facilities that we know are in disrepair and money to help increase access to medical and mental health services for our returning soldiers. More than $143 million was included to improve the VA's polytrauma center, which, among other things, would have helped the VA better diagnose and treat the increasing number of traumatic brain injuries which have emerged as a signature wound of this war.

The legislation also provided $100 million for the VA to target areas where mental health care is lacking. According to the VA's own statistics, more than 35 percent of returning Iraqi and Afghani veterans who have sought care have done so for mental health problems. We provide the funds in the bill we sent to the President. Unfortunately, he said no.

Additionally, we put in $61 million for hiring and training of new compensation and pension claims adjudicators. That is important money because we are hearing from far too many of our returning soldiers that it is taking them months to get the benefits they have earned. These new claims processors will help address that growing backlog of claims. Unfortunately, last night the President said no.

What we have today for our veterans, 4 years after President Bush declared ''mission accomplished,'' he decided to veto this bill. He decided to delay funds that would have addressed the problems facing our veterans.

Not only did Democrats send the President funding earlier than ever, we listened to the military leaders, we listened to the Iraq Study Group, and we listened to the American people and included a provision to redeploy our forces from the Iraqi civil war. Americans overwhelmingly oppose the President's escalation plan. General Abizaid, General Casey, and other top former officials have made clear that a surge will not be a solution to a civil war in Iraq. Reportedly, the Joint Chiefs of Staff were not in favor of escalation, and even Colin Powell opposes the escalation. In fact, Colin Powell, who we know saw combat in Vietnam, said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

GEN John Abizaid, former commander of U.S. Central Command, said:

> I do not believe that more American troops right now is a solution to this problem.

The Iraq Study Group, made up of Republicans and Democrats, called for the redeployment of our forces. But the President ignored all of them. He decided instead to escalate the number of troops in Iraq.

This escalation is in its third month, and so far the results are not promising. The Iraqi Government reported that violence from February to March increased. Officials said the number of car bombings in Baghdad is rising. According to the U.N., sectarian violence in the capital has not declined one bit. Officials have also reported that sectarian violence outside the capital has increased. As I mentioned, 104 American troops died in April—the deadliest month since this surge began.

The redeployment provision this Democratic-led Congress included in the bill provided the President with an opportunity to force Iraqis to finally take responsibility for their own country. We are in the fifth year of this war, and Iraqis have yet to stand up for themselves. They are not policing their own streets. They are not running their own army. Their Government is a mess. Something has to be done to show them they have to get their act together, they have to take ownership of their own future.

That is what the redeployment provision did in our bill. It said to Iraqis: After 5 years—5 years—and thousands of U.S. lives, you have to take responsibility for your future. It said: You must stand up.

Well, unfortunately, for America's security, 4 years after President Bush declared ''mission accomplished,'' and after we have lost 3,351 troops, the President, last night, vetoed the bill. By doing so, he ignored calls from military experts and the American people for redeployment and the need to make clear to the Iraqis they have to take responsibility for their own future.

The President asked our Nation for patience after the first and second years of this war. Then he asked the American people for more time after the third year, and more time after the fourth year.

This year, the fifth year of the war, he is now again asking us for patience, for the American people to just stand by as more of our young men and women die and as the Iraqis continue to shirk their responsibility for their own country.

It is clear our troops are now policing an open-ended civil war. Now, more than ever, we need a new direction in Iraq. Unfortunately, yesterday, and, sadly, the President vetoed a bill which

did provide a way forward. In doing so, he withheld millions of dollars for our troops and for our veterans and ignored the advice of military leaders and the Iraq Study Group and, importantly, the will of the American people.

Today the President stands alone against the vast majority of Americans desperately seeking a new direction in Iraq. It is now up to him to come to the negotiating table and provide the American people with a real strategy for success.

Mr. President, we also have before us today a bill on the FDA.

Can I ask how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has only about a half a minute remaining.

Mrs. MURRAY. Mr. President, I see another colleague on the Senate floor, and I ask him how much time he is going to need.

Mr. BROWN. Five or ten minutes. Go ahead.

Mrs. MURRAY. Mr. President, I ask unanimous consent for an additional 5 minutes to speak to the FDA bill that is in front of us today.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

FDA REAUTHORIZATION

Mrs. MURRAY. Mr. President, all of us in the Senate share the same goal of making sure the Food and Drug Administration stays as the gold standard for drug safety and effectiveness, and the legislation that is before the Senate today moves us toward that goal.

Throughout our country, researchers, scientists, and doctors are making 21st century medical advances, and the legislation we are looking at will ensure we have a 21st century FDA. It provides the resources, the authority, and the oversight to ensure that safe drugs move from the lab to our medicine cabinets without delay.

Like other Members of the Senate, I worked on the FDA reforms back in the 1990s. Those reforms responded to the challenges we faced then. The bill before us now responds to the challenges we face today.

In recent years, we have seen a lot of problems at the FDA with drug approval and postmarket surveillance. The bill we have addresses those challenges and ensures the FDA has the resources and the tools to promptly and thoroughly review new drugs and medical devices.

The bill reauthorizes and improves two pieces of legislation that will be critical in providing a timely review process. It creates a new system to actively monitor drugs after they have been approved by the FDA. It strengthens science at the FDA and, importantly, improves transparency. It improves oversight and information about clinical trials, and it works to prevent potential conflicts of interest among advisory committee members.

Like many Americans, I was shocked at the recent revelations concerning drugs that posed risks to public safety but remained on the market for far too long. This legislation moves to address those concerns by instituting strong, new protections, including postmarket studies that will be made available to the public. I believe this new transparency and vigorous oversight is the right path toward restoring public confidence in the FDA.

The bill takes critical steps also to improve medical care for our children. The Best Pharmaceuticals for Children Act that is included in this bill uses incentives and regulations to put America's children first. It builds upon the legislation we enacted back in 1997 that ensures pediatric medicine is a priority and that information on pediatric drugs is readily available. It extends and improves a program that has undertaken nearly 800 studies and has helped to provide pediatric labeling information for 119 drugs.

The Pediatric Research Improvement Act included in this bill is another critical component of improving pediatric care. It provides needed safety measures through mandatory clinical trials. It will help to continue pediatric oversight programs that have required trials for more than 1,000 pediatric drugs since 1998. All too often, doctors are not given guidance on the proper dose of prescription drugs for children. This bill is going to eliminate that guesswork so our children get the right doses for safer, more effective treatment.

The bill also provides help to our Nation's children through the Pediatric Medical Devices Safety and Improvement Act. Every year, we see these wondrous technological improvements in medical devices. However, sometimes those improvements do not account for the needs of the children and the pediatricians who treat them. What that means is essential, often lifesaving devices do not meet the size or the scope or the needs of sick children. This bill will push manufacturers to develop and produce devices that are safe and effective for children and infants. Through incentives and investor outreach, this bill will ensure that exciting advances in lifesaving devices are not just limited to adults.

This legislation also delivers greater safety while providing better access. I believe it will improve the way we deliver safe innovative health care in America, and it is really my hope it will also begin to restore confidence in the institutions that safeguard our public health.

The American public deserves nothing less than the gold standard of care from our FDA. When a nervous parent or worried senior visits their corner pharmacy, they deserve to know the product they buy on that shelf has been approved by a thorough and complete process. When a patient begins to take a new drug, they deserve a system that has actively tracked that drug and provides the patient with information on any risks they might face. Everyone—drug companies, researchers, patients, and doctors alike—deserves a system that supports an efficient and timely FDA approval process.

So I am very eager to move this legislation forward and get it to a vote so we can begin to deliver what the American people deserve. I hope this Senate moves quickly on this bill and we are able to move it along in the process very shortly in the Senate.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

TRANSEA ACT

Mr. BROWN. Mr. President, our trade policy is fundamentally flawed. Years of wrongheaded trade pacts have sent millions of jobs overseas, devastated our communities, and opened our Nation too often to serious homeland security concerns.

When we open our borders to trade, as we should, we open them to national security threats. Congress must assure the American people we have done everything within our power to protect their safety and their health and their welfare and to promote fair trade.

It is estimated that less than 10 percent of foreign cargo is inspected before entering our country. We must both ensure that our ports are operated securely and with clear lines of accountability, unlike the deal to transfer operation of six U.S. ports to a state-owned company controlled by the United Arab Emirates that this administration approved just last year.

The decision to allow a UAE-controlled company to run our ports had significant national security implications. The UAE was, and still may be, a financial and travel outlet for known terrorists. It was not until leaders in both parties in the Senate and in the House of Representatives called attention to this enormous blunder that this deal was stopped.

It is imperative Congress take steps to ensure our homeland security needs are secured every bit as much as our economic well-being.

Today, I am introducing, with Senator BYRON DORGAN of North Dakota, the Trade-Related American National Security Enhancement and Accountability, TRANSEA, Act.

This act requires the Office of the United States Trade Representative, in collaboration with the Departments of State, Homeland Security, and Justice, to submit a report to Congress detailing the national security considerations of proposed trade agreements prior to commencing and after concluding those trade negotiations.

The bill also requires future trade agreements negotiated by the administration to include a national security waiver that allows the President to suspend any terms of the agreement should it be required in the interests of U.S. national security.

Lastly, as a final safeguard, the legislation creates a new Congressional Executive Commission on Trade Security, requiring the appointment of Commissioners by both political parties in both Chambers of Congress.

The Commissioners will be charged with annually certifying that the terms of the free-trade agreement do not pose a threat to our Nation's national security interests. Should the Commission find that compliance with the agreement would pose a threat, the President will be obligated to exercise his or her waiver to the extent necessary to ensure the safety and the security of the United States of America.

In a post-9/11 world, U.S. economic policy can simply no longer be viewed in the narrow scopes of bottom lines and profit margins. Homeland Security Secretary Michael Chertoff said, in 2006:

> We have to balance the paramount urgency of security against the fact that we still want to have a robust global trading system.

We can do both. It is the responsibility of our Government to ensure that while opening markets for our exporters, as we should, our first priority remains the safety and the security of the American people.

Mr. President, 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. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia is recognized.

IRAQ

Mr. ISAKSON. Mr. President, I rise today to address the war supplemental which was vetoed last night at 10 minutes after 6 by the President. It is my understanding that today leaders from both sides of the Senate will go to the White House, this afternoon, to begin talking about where we go next.

I rise today to talk a little bit about what has got us to where we are, why we are where we are, and what, in my judgment, as one Member of the Senate, we need to be focused on.

I am glad the President vetoed the war supplemental with timelines for withdrawal. It is absolutely wrong to tie the money to support our troops to arbitrary timetables that have nothing to do with success or failure but only to do with the declaration of a cause being lost. We should never declare, as Members of the Senate, our cause to have been lost. And we should never hold hostage the money for our troops based on arbitrary deadlines or thresholds.

It is, however, important for us to debate the war on the floor of the Senate. I hope when the next supplemental comes, it will be a supplemental that goes to support our men and women who have been deployed in defense of freedom, to give them everything they deserve and everything they need without strings and complication. To do so will not keep us in the Senate from debating the war, but it will clearly separate the money to support our troops from whatever the course that debate may take.

We have a long history in this country of many great Americans taking exactly the same position. One of those great Americans, Walter George, a Member of the Senate, from Georgia, a Democrat, in 1955—when Dwight Eisenhower was President of the United States of America and Adlai Stevenson had been his first opponent, and would be his second opponent in the 1956 Presidential election—the big issue of the day was the issue of Quemoy and Matsu and Red China's attempt to expand its influence on those islands and the policy of the United States of America and our President, Dwight Eisenhower. In Time magazine, April's issue, 1955, Walter George, Senator, Democrat from Georgia, a man in whose legacy and in whose shadow I now serve, said the following:

> If it would advance the cause of peace, I would be happy for the President to declare his policy. But how would it advance the cause of peace to inform the enemy of what we intend to do?
>
> I know one thing—

George said, and I continue to quote—

> if we do fulfill our high mission and our high destiny, it will be because we have resolved to do our dead level best to advance peace, to advance security, to shore up a shaky world. Only by doing that can we vindicate the sacrifice of those who died on land and at sea, and fulfill the hopes of men and women in every free land.

It has been 52 years since that statement was made, but it could never ring more true than it rings today. Walter George was absolutely right, and Walter George, a Democrat, came to the defense of Dwight Eisenhower, a Republican who was President, when Dwight Eisenhower was being forced to play our hand in a critical issue of the day. We should never force our chief executive officer, nor should we force our generals, nor our troops in the field, by declaring our hand before the cards are dealt.

There are a few other quotes I wish to share with my colleagues as I lead up to the point I want to make this morning, and these are contemporary quotes and these are quotes about Iraq. These are quotes about the supplemental. These are quotes about our brave men and women in harm's way. The first is by General Lynch, the commanding officer of the third ID. When asked about whether funding should be tied to an arbitrary timetable for withdrawal, he said:

> Ultimately, a precipitous withdrawal would increase the probability that American troops would one day have to return to Iraq and confront an enemy that is even more dangerous than today.

He is absolutely correct. Every time this country waited or every time it determined to withdraw from a conflict or looked the other way from a challenge of evil, it only had to muster itself in greater numbers and fight with greater losses at a greater day in the future.

General Lynch continued:

> No matter how frustrating the fight can be and no matter how much we wish the war was over, the security of our country depends directly on the outcome in Iraq. The price of giving up there would be paid in American lives for years to come. It would be an unforgivable mistake for leaders in Washington to allow policies and impatience to stand in the way of protecting the people of the United States of America.

I could not say it better myself.

Lastly, for quotes from contemporaries, Gary Kurpius, commander of the Veterans of Foreign Wars, said the following:

> The time to debate the war is not in front of a microphone making irresponsible statements, and it's certainly not in the funding bill that keeps our troops alive. If our troops need funds, it is the responsibility of Congress to provide them the money. Debate the war elsewhere.

My last quote is from an e-mail I got from Captain Schratt, on the ground with the U.S. Army in Baghdad right now, a couple of weeks ago when this debate was going on. He e-mailed me and said: I see they are debating whether or not they can not support the war and still support me. He said: Please tell them I am the war.

That is the truth. Our troops are the war. They are deployed and they are fighting and their funding should not be restrained or constrained or in any way hinged on political gymnastics. Those gymnastics belong in the speeches on this floor and the dialogue we have with our administration.

Now, it is my understanding there are some who are talking about a second supplemental to come, to be an incremental supplemental, maybe 60 days at a time. I would implore the Senate to consider not doing that because that brings uncertainty to our troops in the field and only partial funding on a daily or on a 60-day basis, which is wrong. There are others who are talking about maybe benchmarks—not timetables for withdrawal but benchmarks for the achievement of the Iraqi people. That may or may not be wise, depending on what those are, and I will reserve judgment, but I will tell my colleagues one thing. A lot of us around here have selective memories and have forgotten the fact that we have had some benchmarks.

In fact, when we went into Iraq, the President of the United States, George W. Bush, declared three succinct benchmarks. He said: When we deploy our troops, we will do the following: A, we will search and find the weapons of mass destruction that the U.N. and the entire world believed were there, and in fact we found the remnants and the evidence, although never the smoking gun. Then, second, he said: We are

going to give the Iraqi people a chance to hold free elections and determine a new Constitution and self-determine their future. The Iraqis have held three elections. They have a parliament. They have established a self-determined democracy in their way of doing so, and it is functioning. Then the President said: Our third goal will be to train the Iraqi Army so that it can protect and defend that fledgling Government and we will come home.

Those are three benchmarks. Two of the benchmarks have been achieved. The third benchmark is what the surge is intended to accomplish.

Today in downtown Baghdad and in Anbar Province, American troops are sleeping and eating and deployed in the neighborhoods—not in bases—side by side with Iraqi troops. The securing of neighborhoods is taking place, the holding of neighborhoods is taking place, and the rebuilding of those neighborhoods is soon to follow. In the months ahead, if we remain committed to the cause, if we fund our troops, we have the opportunity to reduce the violence, to allow the reconciliation that is so necessary.

So as people debate whether we ought to put benchmarks in supplemental appropriations for our men and women in harm's way, I hope they will recognize we have benchmarks, three that we established when almost every Member of the Congress voted to go into Iraq, two of which have been completely met and satisfied and a third is partially there and will ultimately be achieved if we don't pull the plug and we continue to fund our troops.

War is never fun and it is always controversial. There is not a one of us in this room who does not wish war was ever necessary. But we know as we look back upon history, as Walter George, the Senator from Georgia, said: We have to honor the lives of those who were lost on land and sea to preserve freedom and liberty and democracy for the people of the United States of America. We are at such a day today with our battle in Iraq and in the overall war on terror. Iraq is but a battle in that war. We don't need to send signals that we will quit; we don't need to declare that we have lost. We need to declare the resolve to see the mission through. There are 140,000 brave men and women deployed in Iraq right now committed to the cause. When they come home and I talk to them, to the man and to the woman, they all say: We are there for the right reason. We are making progress. Continue to support me, and we will do the job.

So as the leaders go to the White House today to discuss with the President where we go next, as we look to what we do in this supplemental, let's resolve to fund our troops. Let's resolve to do it without condition on our troops. Let's resolve to do it without declaring defeat but instead in the interest of and with a commitment to victory. Then, if we have debate—and we should and we must—let's have it on the floor, unattached to funding, not restricting our troops but deciding what our course will be and the absolute objective to be, rather than a conditional debate that only sends a message to our enemy that our resolve may be lost and we may be turning the other way. As Walter F. George said in 1955, an American Democratic Senator from Georgia, in support of a Republican President, we should honor the lives that have been lost and stay true to our commitment, and it will never be in our interests to declare to our enemies what our intentions might be.

Mr. President, I yield the floor, and 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. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, 3 months ago, the President of the United States asked Congress to pass an emergency war spending bill that would provide our brave men and women in uniform with the funds and the flexibility they need to succeed in what has been called the central front on the war against al-Qaida in Iraq. Instead, this body helped pass a bill that substitutes the opinions of politicians for the judgment of our military commanders. The bill Congress passed was, in my view, unacceptable, and late. Eighty-five days after the President had requested the funds on an emergency basis, Speaker PELOSI finally forwarded the bill to the President yesterday. It was no surprise that the President vetoed the bill within hours because he had said he would, and so the outcome was predictable.

The President, in his address to the Nation last night, made it very clear that it remains his desire to work with Congress to resolve this matter as quickly and expeditiously as possible. Today, he is holding a bipartisan meeting with congressional leaders at the White House for that purpose.

We have known for weeks that this legislation was flawed and that we would find ourselves in this place—a bill that included a surrender date, when we tell our enemies we would simply give up, and one larded with porkbarrel spending in order to secure the votes of recalcitrant Members who were unwilling to vote for this flawed bill on its merits.

The President outlined these shortcomings last night.

First, he said the bill would mandate an artificial deadline for troops to begin withdrawing from Iraq. The withdrawal could start as early as July 1 and would have to start no later than October 1 regardless of the situation on the ground. The language in the bill defies sound military logic and, I would say, common sense itself. It makes no sense to tell the enemy when you plan to start withdrawing. Setting a deadline for withdrawal is setting a date for failure, and it would be irresponsible. As the President made very clear last night, setting this deadline for withdrawal would also demoralize the Iraqi people and encourage the killers across the broader Middle East, such as al-Qaida, and send a signal that America will not keep its commitments.

Second, the bill would impose impossible conditions on our commanders in combat. After forcing most of our troops to withdraw, the bill would dictate the terms on which the remaining commanders and troops could engage the enemy. American commanders in the middle of a combat zone would have to take fighting directions from politicians thousands of miles away in Washington, DC.

Third, as I mentioned, the bill is loaded with billions of dollars of nonemergency porkbarrel spending that has nothing to do with fighting the war on terror and which demeans the importance of this particular legislation, designed as it is to support our troops who are literally in harm's way.

Democratic leaders know that many of us in Congress disagree with their approach and their desire to use this bill as an opportunity to make a political statement about their opposition to the war. Yet we know there are not enough votes to override a veto. It is time to put politics behind us and support our troops with the funds they need. Some have confused the need to debate, which I agree with, with cause for delay, which I disagree with. There should be no cause for delay in getting these emergency funds to our troops, and the debate will indeed continue.

In February, we began sending the first of the reinforcements that General Petraeus, the new commander in Iraq, requested. Not all of these reinforcements have arrived; roughly half of them have. As General Petraeus said just last week, it will be at least the end of the summer before we can assess the impact of this new operation, the Baghdad security plan, or surge. We ought to give General Petraeus's plan a chance to work.

In the months since our military has been implementing this plan, we have actually begun to see some important results. General Petraeus noted that one of the most important indicators of progress is the level of sectarian violence in Baghdad. He reported that, since January, the number of sectarian murders has dropped substantially. Spectacular suicide attacks that have caused great suffering in Iraq continue because these attacks are largely the work of al-Qaida, the Sunni extremists—the enemy that everyone agrees we should be fighting, or at least some say we should be fighting. At the same time, they would impose arbitrary deadlines, imposing a surrender date on our troops.

The objective of these al-Qaida attacks is to reignite the sectarian violence in Baghdad and breaking support for the war here at home. That was the goal of al-Zarqawi, whom we were fortunate to be able to take out of the fight, and that is the fight now of the remaining al-Qaida extremists in Iraq. General Petraeus explained it this way:

> Iraq is, in fact, the central front of al-Qaida's global campaign.

It just boggles my mind, Mr. President, for some of us to stand here on the floor and say we ought to withdraw our troops from Iraq when, in fact, al-Qaida—the enemy that hit innocent Americans and killed 3,000 of them on September 11, 2001—considers Iraq to be the central front in their campaign against the West. Al-Qaida's role makes the conflict in Iraq far more complex than a simple fight between Iraqis. Many also belong to the same terrorist network, as I said, that attacked us on September 11, 2001. Were we to leave prematurely, were we to leave a power vacuum in Iraq, al-Qaida would no doubt, as they did in Afghanistan earlier, use that power vacuum as an opportunity to regroup, to plan, to train, to recruit, and then to export additional terrorist attacks against the United States here on this continent.

We need to give our troops all of the equipment and training and protection they need to prevail. Without a war funding bill, the military has to take money from some other account—notably, the Air Force or Navy—just in order to make sure the Army has the resources they need, so the troops can have the equipment they need, so they can rotate back on a timely basis and come home to the loving arms of their families, to repair existing equipment. And worst of all, in one sense, failing to send this money on a timely basis to the military hurts the military families who are waiting behind, anxious, as we all understand, for the welfare and safety of their loved ones. Our troops and their families deserve better.

So I hope that after the last 86 days, which have been characterized by political theater and gamesmanship, where some have been more focused on the 2008 election and trying to find ways to gain political advantage, I hope Republicans and Democrats, the legislative branch and executive branch, can come together and do what we should have done months ago—get the funds to the troops as soon as possible, without the surrender deadline, without tying the hands of our military commanders and making their opportunity for success impossible, and without the porkbarrel spending that demeans the noble sacrifice of these brave men and women.

Mr. President, I yield the floor and yield back our remaining time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we yield back all morning business time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

> Landrieu amendment No. 1004, to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.
>
> Dorgan amendment No. 990, to provide for the importation of prescription drugs.

AMENDMENT NO. 1010 TO AMENDMENT NO. 990

(Purpose: To protect the health and safety of the public)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. CARPER, Mr. NELSON of Nebraska, Mr. HATCH, Mr. BENNETT, Mr. ENZI, Mr. BURR, and Mr. MENENDEZ, proposes an amendment numbered 1010 to amendment 990.
>
> At the end of the amendment, add the following:
>
> **SEC. ___. PROTECTION OF HEALTH AND SAFETY.**
>
> This title, and the amendments made by this title, shall become effective only if the Secretary of Health and Human Services certifies to Congress that the implementation of this title (and amendments) will—
>
> (1) pose no additional risk to the public's health and safety; and
>
> (2) result in a significant reduction in the cost of covered products to the American consumer.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am offering this amendment for myself, as well as for these cosponsors: Mr. CARPER, Mr. NELSON of Nebraska, Mr. HATCH, Mr. BENNETT, Mr. ENZI, Mr. BURR, and Mr. MENENDEZ. This is an amendment to the amendment proposed by Mr. DORGAN.

Improving the health and quality of life for Americans is very important to all of us, and access to safe and effective prescription drugs is a major step in accomplishing these goals. With recent scientific advances, a number of medical therapies have been made available to treat and, in some cases, to cure diseases. We want Americans to continue to have access to safe and effective drugs that are approved by the Food and Drug Administration.

But we must not create opportunities for potentially dangerous drug products from foreign countries to reach the American consumer. For example, counterfeit products, those that have been tampered with or those of unknown origin, should not be brought into this country. I am concerned that allowing the importation of prescription drugs would allow such risks to become more likely.

The amendment proposed by the Senator from North Dakota will put in jeopardy the process we now have to ensure the safety of prescription medications and protect the health of the American people.

I am offering this second-degree amendment to require the Secretary of Health and Human Services to certify that the importation of drug products will not pose additional risks to Americans and will, indeed, lower costs to consumers.

If, as some argue, a policy of importation is safe and will reduce costs, this amendment should not be a problem.

We have debated this issue before on several previous occasions. For example, during the consideration of annual appropriations bills for the Department of Agriculture, the Food and Drug Administration, and related agencies, when considering the Greater Access to Pharmaceuticals Act, and even during the debate and passage of the Medicare Modernization Act of 2003, a similar amendment to require the safety of imported drugs was considered and unanimously approved each time.

In all these instances, the Senate has adopted this amendment by a unanimous vote. The safety of the American consumer must be our No. 1 priority. These safeguards should also be applied to this proposal.

We should be certain that any change we make in the law does not result in less protection in terms of the safety of the drugs supplied to the American people and will, indeed, make prescription drugs more affordable. Liberalization of protections that are designed to keep unsafe drugs out of this country, especially considering the terrorist threats we face now, should occur only if the necessary safeguards are in place. This amendment will ensure that the concerns of the last two administrations regarding safety and cost-effectiveness are addressed prior to the implementation of this proposal.

Counterfeiting of drugs has become a more common practice throughout the world, and the transshipment of these counterfeit products through Canada is one of the most serious dangers we face. The Canadian Government itself has said that drug products shipped to

Canada for resale in other countries do not fall under the Canadian regulatory system, and they can provide no assurance as to the safety or authenticity of such drugs.

In fact, President Bush yesterday released a Statement of Administration Policy strongly opposing any provision that allows the importation of drug products outside the current safety system of the Food and Drug Administration. The statement declares that the President's senior advisers would recommend that he veto the bill if this provision is included.

Mr. President, I ask unanimous consent that a copy of the Statement of Administration Policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, May 1, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 1082—FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

(Sen. Kennedy (D)–MA)

The Administration strongly supports reauthorization of the Prescription Drug User Fee Act (PDUFA) and the Medical Device User Fee and Modernization Act (MDUFMA). These two programs account for nearly one quarter of the Food and Drug Administration's (FDA) annual budget and support more than 2,000 Agency employees who work diligently to ensure the safety and efficacy of the medical products on which the American people rely. Reauthorizing PDUFA and MDUFMA will enhance FDA's ability to more efficiently and effectively regulate drugs, biological products, and medical devices, a critical component of the Agency's public health mission. Additionally, the Administration is committed to reauthorizing the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA), which have provided invaluable information to the Agency about medical products' interaction with pediatric populations.

The Administration shares the goal of S. 1082 to provide FDA with the appropriate tools and resources to enhance the safety and efficacy of the products the agency regulates. However, the Administration has serious concerns with S. 1082 in its current form and will work with Congress to address them as the legislative process moves forward.

The Administration appreciates that portions of S. 1082 are consistent with the Administration's recommendations for reauthorization, which strengthen FDA's ability to ensure the safety and availability of new drugs and medical devices, create a new program for review of television advertisements, and strengthen post-market review. These user fee programs expire at the end of the current fiscal year, and their timely reauthorization is critical to the ability of FDA to continue to carefully and expeditiously review and approve new drugs and devices to benefit the health of the American people.

The Administration is committed to further improving drug safety through better tools for surveillance of drug events, improved scientific tools for evaluating drug safety problems, and better means of communicating drug safety problems to providers and patients. However, the Administration is concerned that the bill, as written, would require significant resources to implement burdensome process changes that will not contribute meaningfully to improving drug safety. For example, the prescriptive timeframes to develop and process Risk Evaluation and Mitigation Strategies are particularly burdensome and are not likely to contribute to improving drug safety. Additionally, the Administration is concerned about the provision in S. 1082 that would use increased user fees to fund certain additional drug safety activities that were not agreed to during the statutorily required Agency-industry negotiations. This provision reopens and is inconsistent with the Administration PDUFA proposal that was developed through extensive consultation.

There are other provisions in S. 1082 that also raise serious concerns. Specifically, the bill would make changes to the BPCA and PREA to reduce the incentives to conduct clinical trials for children, thus reducing the effectiveness of the program. It also would impose administrative burdens that would make the programs inefficient and in many ways unworkable. These provisions would reduce the flexibility the agency needs to conduct these programs, require an inefficient duplication of scientific expertise, and cause delays in the review of pediatric assessments. Both BPCA and PREA have been very successful in providing the necessary incentives for drug companies to conduct pediatric clinical trials to improve our understanding of how drugs work in children, thus enhancing the quality of their medical care. BPCA and PREA should be extended without modification.

Potential Amendments: Follow-on Protein Products and Importation of Prescription Drugs

The Administration supports the goal of making safe and effective drugs available and affordable for American consumers. While some in Congress may be interested in attaching legislation related to follow-on protein products to this bill, the Administration believes that these complex issues should be considered thoroughly through a robust scientific, regulatory, and legal discussion. Sufficient discussion has not yet occurred and should not be abbreviated for the convenience of a particular legislative vehicle. Any legislative proposal considered to authorize a regulatory pathway for follow-on protein products must, as a first priority, ensure the safety and efficacy of the resulting products, thus protecting patient safety. Furthermore, it should also include adequate intellectual property protections for innovators, in order to maintain the research enterprise that has generated life-saving medications. The Administration believes further discussion must take place before addressing these issues in legislation. The Administration strongly opposes the inclusion in this bill of any provision related to follow-on protein products.

The Administration would also strongly oppose any provision that might be added on the Senate Floor regarding the importation of prescription drugs that does not address the serious safety concerns identified in the December 2004 Department of Health and Human Services Task Force Report on Prescription Drug Importation. The Administration believes that allowing importation of drugs outside the current safety system established by the FDA without addressing these serious safety concerns would threaten public health and result in unsafe, unapproved, and counterfeit drugs being imported into the United States. As a result, if any such importation provision were included in the final version of the bill presented to the President, the President's senior advisors would recommend that he veto the bill.

The Administration strongly opposes the inclusion of any unrelated provisions that would disrupt the timely reauthorization of the user fee program. The Administration looks forward to working with Congress to reauthorize PDUFA and MDUFMA expeditiously to avoid any disruptions to these successful programs.

Mr. COCHRAN. Mr. President, these conditions contained in this amendment are the same as those the Senate has previously adopted on other occasions on other bills. I urge the Senate to again support this language and approve this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Mississippi for his cooperation. For the information of our colleagues, if we get cloture on the Dorgan amendment tomorrow, sometime prior to the expiration of the 30 hours, we will vote on the Cochran amendment. That is a notice for Members about when we will address this issue. I thank the Senator.

The Senator from Colorado raised important issues during the markup, and he has a very significant amendment to offer to the Senate. I hope we will hear from him at this time.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 982

Mr. ALLARD. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 982.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 982.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike provisions related to market exclusivity)

Strike subparagraphs (D) and (E) of section 402(a)(6).

Mr. ALLARD. Mr. President, first, I thank the chairman, Senator KENNEDY, and the ranking Republican, Senator ENZI, for the bipartisan way in which they have worked in the committee, of which I am a new member. It is the HELP Committee, standing for Health, Education, Labor, and Pensions. I appreciate the opportunity to have offered this amendment in committee, as well the opportunity to offer it on the floor. It is a very important committee.

The bill, coming out of committee, can withstand some improvement. I know both Senator ENZI and Senator KENNEDY have sat down and made many changes that I think will help relieve some of the concerns we have about the bill. That is now in the form of a managers' amendment which is before the Senate.

The issue I remain concerned about is an issue that was in the original bill.

It remains in the bill, in the managers' amendment, and that is an amendment to the Best Pharmaceuticals for Children Act passed in 1997. This is an incentive program we put in place for the last decade that says to the pharmaceutical industry that if you would put some effort into getting children's medications, pediatric medications properly labeled for the market, then we will give you, in effect, an extension of 6 months on your patent rights. This has been an extremely successful program. For the life of me, I don't understand why the bill's sponsors feel it is important to put this provision in the bill.

This is a chart that reflects the drug studies that have been completed for kids, which equates to more drugs available for pediatricians to use in treating childhood diseases. As one can see, the red square on the chart is with no incentives, and very little effort was being made. But when the 6-month exclusivity provision was provided in the Best Pharmaceuticals for Children Act, we can see how dramatic the increase was and how the marketplace responded to this incentive.

In my view, we should not be removing or reducing the incentive for any pharmaceutical company to invest in children. Right now, with what the current managers' amendment has in it, it takes the 6-month exclusivity and reduces it to 3 months, and it has it applied to those that are referred to as the blockbuster drugs. In my view, I think we need to make sure everybody understands how very important this program is. If we go messing with it, we are going to reduce the incentives that are in it that have been working so well.

The Best Pharmaceuticals for Children Act allows the FDA to grant drug sponsors pediatric exclusivity. This is 6 months of additional market exclusivity—as I said, an extension basically of the patent rights—in exchange for conducting and submitting reports on pediatric drug studies. Current law is working. There is no reason I see to change significantly a program that is working.

The goal of the program is to develop additional health information on the use of such drugs in pediatric populations so they can be administered safely and effectively to children. This goal is reflected on this chart as being reached. Also, using pediatric research and development legislation to attack large pharmaceutical companies, in my view, is an abuse of power at the expense of kids. The data shows pediatric legislation has resulted in a substantial increase in pediatric prescribing information on the labels of those products, which have fulfilled the requirements necessary to be granted the pediatric exclusivity extension.

Here is what the GAO study on the Best Pharmaceuticals for Children Act has said about how the program has been working for the last decade. This study was issued on March 22 of 2007, so it is a current evaluation, and here is what they say:

> Prior to enactment of the Food and Drug Administration Modernization Act of 1997, which first established incentives for conducting pediatric drug studies in the form of additional market exclusivity, few drugs were studied for pediatric use.

Very few were done, as reflected on the chart.

> As a result, there was a lack of information on optimal dosage, possible side effects, and the effectiveness of drugs for pediatric use. Almost all the drugs—about 87 percent—that have been granted pediatric exclusivity under the Best Pharmaceuticals for Children Act have had important labeling changes as a result of pediatric drug studies conducted under this Act.

As a result, exclusivity is working. In fact, it is working so well that, in my view, with increased exclusivity we may have even had more research and development in the area of pediatric pharmaceuticals. But that issue is for another day.

My amendment doesn't request an increase in what has been working. We merely ask that we return in this piece of legislation to that exclusivity-linked period, which is 6 months, which has been working so very well under current law.

Some Members want to try to damage the blockbuster drug companies by reducing the exclusivity for those businesses, but in reality the ones who are really being hurt are our kids because we take away the number of choices a pediatrician has in providing drug therapy for those kids who could be seriously ill.

I ask my colleagues to support me in my amendment and to return us to the 6-month exclusivity and away from the 3-month exclusivity period we currently have in the managers' amendment.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, in a few moments we will hear from Senator DODD, who was the architect for the whole undertaking in terms of testing for children, and also for the children's prescription drug program which has been immensely successful. He deserves great credit for it. I am sure he gets a great deal of satisfaction from it. It was bipartisan, with Senator DeWine, going back many years, and certainly Senator CLINTON has added an additional dimension to this whole proposal. But Senator DODD has studied this issue very carefully, and he really is the originator of the concept. He has followed it closely, and he will speak to the Senate on this matter in a very short time.

I see my friend from Ohio on the Senate floor, who also wishes to address it, but I will just say a brief word. I believe what we have in the legislation, which was earlier fashioned by the Senator from Connecticut, is the way to go, and I would hope the Allard amendment will not be accepted.

One of the major elements in the FDA bill is the program providing incentives for developing the new drugs, and Senator DODD, Senator CLINTON, Senator ALEXANDER, and many others have been champions of this program, as was our former colleague, Senator DeWine. The reauthorization of an effective program is an opportunity to strengthen those aspects that work well and to improve those that need adjustment. Senator DODD took up this challenge and renewed the information about how the program has worked over the years since Congress last reviewed it.

He found that companies were sometimes rewarded with billions of dollars in additional sales in return for doing studies that cost them only a few million. Clearly, one must provide incentives to develop new drugs for children, but we must be responsible in doing so. That is why in this reauthorization, Senator DODD included a proposal to adjust the period of market exclusivity for drugs that generate over a billion dollars in sales. If they generate over a billion dollars in sales, these blockbuster drugs will receive only 3 months of exclusivity instead of 6 months, available to other drugs.

The Allard amendment would delete this sensible provision and give all drugs the full 6 months. That could be worth billions of dollars for a major medication. Those extra 6 months don't just apply to sales for use in children, they apply to all sales. That means a heart drug tested in children would get 6 months protection from competition, so it can wrack up big returns.

The amendment we face embodies a policy that has no proportionality. It gives the same broad protection to a drug such as Lipitor or Xanax as it does to a specialty drug that might be helpful in treating ear infections in children. Senator DODD's proposal has that sense of proportional reward, but the amendment overturns it. That is the wrong approach, and I hope the Senate will reject it.

Mr. President, I see my friend and colleague from Ohio wishes to address this issue, and I yield the floor.

Mr. BROWN. Mr. President, I thank Senator KENNEDY, and I want to join my colleagues, and I will precede Senator DODD and join him and Senator KENNEDY and others in urging a ''no'' vote on the amendment offered by the Senator from Colorado.

Drugmakers, as we know, have exclusive rights to market a prescription drug under a patent. That means no generic drugs are allowed on the market. There is no price competition and nothing to prevent drugmakers from charging top dollar for their products. Top dollar, as many of our constituents know all too well, for a prescription drug can be breathtaking. A 30-day supply of Nexium, the little purple pill, costs about $193; a 30-day supply of Exelon, an Alzheimer's drug, is $214; a 30-day supply of Pravachol, a statin drug, is $168. Under current law—under current law—drugmakers are rewarded an additional 6 months of competition-

free time on the market when they agree to evaluate a prescription drug for use in children—6 months.

That is a tradeoff. It is a tradeoff the House and Senate agreed to, where adult consumers of this drug—adult consumers of the drug—are denied a less costly generic version of, for example, Prilosec, for an additional 6 months. This means their out-of-pocket health care costs—or their employer, or their insurance company, or the government—are significantly higher than they otherwise would be. That is the tradeoff.

At the same time, drugmakers agree to conduct pediatric testing they wouldn't have done voluntarily, sometimes for reasons all their own, and those tests provide invaluable information to pediatricians for the proper use and dose of medicines prescribed to children. That was the agreement—the 6-month exclusivity agreement. That incentive has worked to increase, we all agree, the number of pediatric tests drugmakers conduct. That is important. Pediatricians now have access to new information that has enabled them to make better use of prescription drugs to help our Nation's children.

My colleague, Senator DODD, championed the 6-month exclusivity law in his efforts in this area, as did my predecessor in the Senate, and so many others, and their work has improved the lives of children. Needless to say, the Senator from Connecticut would not arbitrarily or recklessly make changes to the pediatric exclusivity law. It was his idea and his work. He clearly isn't going to compromise it. But he is recommending one change, and this amendment, the Allard amendment, undoes that change, which is included in S. 1082.

He is recommending if a drug generates more than $1 billion in revenues—that is, it is a blockbuster drug—if the drug generates more than $1 billion in revenue, that drug should receive an additional 3 months of market exclusivity instead of 6 months. The reason is both simple and compelling.

It costs about $13 million—think about these numbers—it costs about $13 million to conduct pediatric testing on a new drug. If a drugmaker is taking in $1 billion a year on that drug, $13 million is about 1 percent of their revenues on that drug. Giving that drugmaker an additional 6 months of market exclusivity on a $1 billion drug costs health care consumers and taxpayers—the taxpayers who cover the cost of public health programs such as Medicare, Medicaid, and the VA—it costs them millions of dollars each day.

This is not, as Senator ALLARD said, a provision to punish the drug companies. It is a provision to help people with their out-of-pocket drug costs. It is a provision to help taxpayers who fund Medicare, Medicaid, and the VA. It is a provision to help those businesses that are funding health care and drug plans for their employees.

The Federal Government could do it another away. The Federal Government could reimburse drugmakers for the cost of pediatric tests. It could reward them with a 600-percent profit on conducting those tests, and it would still cost appreciably less than rewarding them an additional 6 months of exclusivity. That is why we made the decision not to do it that way. But in light of the astounding imbalance between the cost of conducting a pediatric test—$13 million—and the reward that 6 months of exclusivity provides when it comes to a $1 billion drug, Senator DODD recommended we cut that in half. We provide 3 months of exclusivity for billion-dollar drugs instead.

It is still a breathtaking reward: A $1 billion drug gets a 3-month exclusivity instead of a 6-month exclusivity for a $13 million test—a breathtaking reward for one pediatric test, but it is measurably more justifiable than the 6-month moratorium on price competition.

Common sense, fiscal responsibility, and the fact that all of us in this Chamber report to U.S. taxpayers dictate that we support Senator DODD on this modest change in his own program. The Allard amendment gives $1 billion drugs a 6-month exclusivity instead of 3. The logic is, if 6 months of market exclusivity is working to prompt drugmakers to conduct pediatric testing, we shouldn't change it. By that logic, we might as well give drugmakers 100 years of market exclusivity. I am sure that would work, too.

The point is, we have to draw the line to encourage pediatric testing, which this will, and to save money for our employers, for our taxpayers, and for senior citizens' out-of-pocket costs. When a drugmaker earns hundreds of millions of dollars, in many cases out of the pockets of U.S. taxpayers, for a pediatric test that costs about $10 million, that is unnecessary, it is unjustifiable, and it is outright wrong.

Please vote for common sense, for protecting our children, for U.S. taxpayers, for consumers, and against the Allard amendment.

Mr. ALLARD. Mr. President, the Senator from Wyoming, who is managing the time, has granted permission for me to speak for 5 minutes.

Mr. President, I forgot to ask unanimous consent that the following individuals be added as cosponsors on my amendment: Senator BOND, Senator HATCH, and Senator ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I would like to respond to this concern about drug companies investing relatively little and having huge returns. That doesn't apply to every drug.

Obviously, when you are developing a product for the market, there will be some that work out rather easily and the development costs may not be too much. But there are other drugs that require a substantial amount of work and analysis, and a considerable amount of thought has to go into the labeling. When those costs get high and when you hit those, the profit margin is not so large. I hate to see us pick out a few companies that may have had a windfall and then punish our children and say we are going to take away an incentive that has resulted in 80 percent of the children's drugs that have come to the market being approved and getting the proper licensing they require.

In my view, we pick out a few outrageous circumstances and then we try and take away an incentive that has been working so well for us.

My point, again, is why mess with that incentive when it is working so very well? As I had indicated here on the charts, we had such tremendous results in getting children's pediatric drugs to the market. This allows the pediatrician more choice in selecting therapies for their patients. It means better medicine. I also believe that the more products you have on the market, the more competition you have, and the more competition you have, that then holds down the price of drugs. What we need to do is rely on the markets to control the price of drugs, to control supply. I hate to see the Government or this Congress try to apply any kind of artificial parameters that somehow or other would mean we would have fewer drugs for the treatment of our kids and their ailments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today in support of this amendment by Senator ALLARD which would strike a cap on pediatric research incentives for blockbuster drugs with more than $1 billion in annual sales. That sounds like a lot. We are going to quibble here about whether they get 3 months of additional time or 6 months of additional time. They have had 6 months of additional time.

Incidentally, this is one time per drug. This is not every time they can come up with a child's use they can extend another 3 months or 6 months; this is one time on any drug, they can get an extension of 6 months.

Now we are going to decide that a company that comes up with a really great drug is only going to get 3 months versus 6 months because they make $1 billion in annual sales? Three months' worth would be $250 million in annual sales, and that sounds like a lot, but when you figure out what is profit out of that, it is a much smaller number.

I congratulate Senator DODD for originally coming up with this incentive. He came up with the idea for 6 months, and it worked. You have seen the chart that shows how dramatically there was an increase in the number of drugs that were studied for kids and how proper doses were derived for kids. The Allard amendment ensures that pediatric studies that are essential to our children's health and well-being will continue to take place, that they

will continue the same as they have with the same incentives and the same requirements. Under current law, in exchange for performing a pediatric study, a manufacturer can receive an additional 6 months of market exclusivity, one time per drug. This is a powerful incentive to ensure pediatric studies are completed. The substitute amendment we are debating today limits this exclusivity to just 3 months, and I am concerned that this will reduce or limit the number of pediatric studies. Senator ALLARD's amendment would revert back to current law. If we support and pass the amendment of Senator ALLARD, we go to current law, so manufacturers can receive the additional 6 months of market exclusivity.

Before incentives, there were very few pediatric studies. In the 7 years before Congress authorized incentives, only 11 pediatric studies were completed; 7 years, 11 studies—embarrassing. But at least 132 pediatric studies were completed, and more are ongoing. The current incentive system works.

This is not an abstract policy issue. Pediatric drug studies can mean the difference between life and death for our children. For example, initial research indicates that Viagra, which is a blockbuster drug, can work miracles for children with pulmonary fibrosis, a rare and potentially fatal lung disorder. Viagra seems to relax and expand blood vessels in afflicted children's lungs. Incentives spurred Pfizer to perform studies that are now underway and could save approximately 28,000 children who might otherwise die or suffer greatly. Without powerful incentives, such studies might not get done.

The Democratic witnesses at the HELP Committee's—the Health, Education, Labor, and Pension Committee—recent hearing agreed that caps are a risky experiment. The number—zero incentives, 11 studies; strong incentives, 132 studies—that speaks for itself. Reducing incentives will certainly reduce the number of pediatric studies. We should not undercut a system that is proven to help kids and then say we are improving the program. I don't think so.

I strongly agree we need to do everything we can to make health care more affordable and accessible, but harming a worthwhile program that saves kids' lives is the wrong way to do it. It is wrong to play the politics of drug pricing at the expense of our kids. We should protect these incentives which are proven to work.

Again, I congratulate Senator DODD for coming up with the idea of providing these incentives. I wish to note for the record it was at 6 months that we provided that. I ask that you support the Allard amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me first begin by thanking Senator KENNEDY and Senator ENZI for including the Best Pharmaceuticals for Children Act and the Pediatric Medical Device Safety and Improvement Act in the bill before us. I congratulate them, particularly Senator KENNEDY for his efforts of putting all this together, this major legislation which is going to be so important for the health and well-being of all our citizenry. I am very grateful to him, and to Senator ENZI as well, for leading the minority on this issue and making it possible for us to be here today to discuss these issues.

My friend from Colorado and I worked together on this issue. I appreciate the comments about the effort we made over the past decade or more to try to do what this bill was designed to do and has done, and that is to increase the clinical trials and testing of products used in our younger Americans—children.

In too many cases, prescription drugs were being tested for adults, and there was an assumption that a smaller dosage of that product would be all that was necessary to take care of children. Obviously, that was not the case, as we heard in significant testimony over the years.

Countless hours have gone into the work on this legislation. The Presiding Officer has been a tremendous help. I thank him for his efforts, along with others on this committee helping us put this together.

It must be an Ohio tradition. As he has heard me say on occasion, Senator BROWN has been tremendously supportive, working on this issue. He was active on the issue when he served in the other body, and he brought his talents and knowledge to the issue when he arrived here recently. His predecessor, Senator DeWine, was my cosponsor on this bill for a decade, on a bipartisan basis putting the legislation together that has produced the results which have been identified by Senator ALLARD and Senator ENZI already this morning.

We find ourselves here having worked very carefully together on a bipartisan basis for more than a decade to craft legislation. None of us are claiming perfection here. The idea was to try to induce the industry to step forward and do something they had not done before—to test their products in children. We were not certain when we started out how this would actually work. Ten years ago, we saw a situation where the majority of drugs being used in children were not being tested for their use.

Children are not simply little adults. The results of drug studies conducted under the Best Pharmaceuticals for Children Act have shown they should not be treated as such. The initiative contained in the bill before us on pediatric medical devices is a similar effort to ensure children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance.

Senator DeWine, as I mentioned, and I authored this bill more than a decade ago, at a time when only 11 drugs on the market that were being used for children had actually been tested and studied for that use. Prior to the enactment of this legislation a decade ago, pediatricians were essentially flying blind because they lacked information regarding the safety and effectiveness of drugs they were prescribing. It was often the children who suffered the most.

What we have learned over this past decade after 10 years of experience is that children have been exposed to ineffective drugs, ineffective dosing, overdosing, or drug side effects that were previously unknown. In 10 years, nearly 800 studies involving more than 45,000 children in clinical trials have been completed as a result of this legislation. Useful new pediatric information is now part of product labeling for more than 119 drugs.

In sum, there has been a 20-fold increase in drugs studied in infants, children, and adolescents as a result of the legislation I authored 10 years ago. Children with a wide range of diseases such as HIV/AIDS, cancer, allergies, asthma, neurological and psychological disorders, and obesity can now lead healthier and more productive lives as a result of new information about the safety and efficacy of drugs they use to treat and manage their diseases when previously there was none. This successful program for children will expire on the 30th of September unless we reauthorize it.

I have spent months crafting a proposal to reauthorize this legislation, which is now reflected in the underlying bill. It had been my hope that this initiative would continue in that bipartisan tradition that began more than a decade ago. Fashioning legislation when there are 100 of us here, trying to come up with ideas, and yet balance disparate views and opinions. There are some, frankly, who would have no periods of exclusivity and believe the industry ought to be doing this as a matter of obligation to one out of four Americans. You have heard from others who think we ought to provide extended periods of exclusivity, longer than 6 months. It is not easy to fashion these compromises here, where you can put something together that does what we want to do, all the while ensuring that the program can continue to generate more benefits than were originally contemplated. There has to be some limitation in terms of how we deal with all this.

I thank Senators KENNEDY, HARKIN, BINGAMAN, MURRAY, REED, CLINTON, and BROWN, who all cosponsored the legislation I introduced which, as I previously mentioned, has been incorporated on this bill.

Mr. President, I will ask unanimous consent that these letters be printed in the RECORD so my colleagues will know the bill we are considering is not something we threw together haphazardly. This was major, extensive work with major organizations in this country

that spend every waking hour working on children's diseases and issues that affect their health. I am grateful to the AIDS Alliance for Children, Youth & Families; the American Academy of Child and Adolescent Psychiatry; American Academy of Pediatrics; the American Brain Coalition; American Pediatric Society; the American Psychiatric Association; the American Thoracic Society; the Arthritis Foundation; the Association of Medical School Pediatric Department Chairs; Children's Cause for Cancer Advocacy; Elizabeth Glaser Pediatric AIDS Foundation; National Association of Children's Hospitals; National Organization for Rare Disorders; Society for Pediatric Research—the list goes on.

I ask unanimous consent to have printed in the RECORD two letters from this myriad of organizations which every day are involved with children's health and are strong advocates of what we are doing here and respectfully disagree with the amendment offered by Senator ALLARD today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 17, 2007.

Hon. EDWARD KENNEDY,
Hon. CHRISTOPHER J. DODD,
Hon. MICHAEL B. ENZI,
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, ENZI, DODD AND CLINTON: As organizations working to ensure better health care for the nation's children, we write to thank you for your longstanding commitment to children's health and to express our support for legislation to reauthorize the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA) and to improve children's access to safe medical devices. We are very pleased that BPCA and PREA reauthorization language and S. 830, the Pediatric Medical Device Safety and Improvement Act, have been included in the Chairman's mark of S. 1082, the ''Food and Drug Administration Revitalization Act,'' for consideration by the Senate Health, Education, Labor and Pensions Committee tomorrow.

Over the past decade, Congress has enacted bipartisan legislation that has dramatically increased the number of drugs tested and labeled for children. The results from BPCA are extraordinary—over 336 requests have been generated for over 780 pediatric studies, resulting in over 115 new drug labels for children. Sen. Dodd's BPCA reauthorization language strengthens this very successful existing program in several important ways, including ensuring prompt label changes, requiring that all study protocols and results be made public, improving adverse events reporting for children, and identifying and addressing important gaps in treatments for children's diseases. In addition, the BPCA language includes a reasoned approach to address the small percentage of drugs for which the exclusivity provision has far exceeded the incentive it was intended to provide pharmaceutical companies.

S. 993, the Pediatric Research Improvement Act (PRIA), introduced by Sen. Clinton and included in the Chairman's mark, reauthorizes the Pediatric Research Equity Act of 2003 (PREA), which requires drug manufacturers to test their products for use in children. This law ensures that children are not a therapeutic afterthought and has generated impressive and invaluable safety and dosing information for children. Since the 2003 passage of PREA, 55 drugs have new or improved pediatric labeling. These drugs range from treatment of ear infections to the prevention of rejection of organ transplants. S. 993 places children on equal therapeutic footing with adults by creating the presumption that medicines coming onto the market for illnesses and conditions that occur in children will be labeled for pediatric use and be available in formulations (e.g., liquids, chewable tablets) that children can take.

The Pediatric Medical Device Safety and Improvement Act of 2007 provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults, many essential medical devices used extensively by pediatricians are not designed or sized for children. According to pediatricians, the development of new medical devices suitable for children's smaller and growing bodies can lag 5–10 years behind those for adults. S. 830 improves incentives for devices for small markets—while still preserving the ability to ensure the safety of new products once on the market. It provides assistance to innovators, streamlines regulatory processes, and elevates pediatric device issues at the Food and Drug Administration (FDA) and the National Institutes of Health.

Despite support for the Chairman's mark, we are disappointed that a key provision to make PRIA permanent has been omitted. As this legislation moves to the floor of the Senate, we urge you to restore the permanent authority of the FDA to ensure that children have properly studied medications as a matter of fact, not chance.

We are grateful for your longstanding leadership and commitment to improving the health of our nation's children and look forward to working with you toward swift Committee action and passage of these pediatric therapeutic bills by the full Senate.

Sincerely,

American Academy of Pediatrics; Elizabeth Glaser Pediatric AIDS Foundation; AIDS Alliance for Children, Youth & Families; American Academy of Child and Adolescent Psychiatry; American Brain Coalition; American Pediatric Society; American Psychiatric Association; American Thoracic Society; Arthritis Foundation; Association of Medical School Pediatric Department Chairs; Children's Cause for Cancer Advocacy; National Association of Children's Hospitals (N.A.C.H.); National Organization for Rare Disorders; National Research Center for Women and Families; Society for Pediatric Research.

MAY 1, 2007.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: As organizations working to ensure better health care for the nation's children, we write to express our support for your legislation to reauthorize the Best Pharmaceuticals for Children Act (BPCA), which has been included in S. 1082, the ''Food and Drug Administration Revitalization Act.'' Since its original enactment in 1997, this legislation has directly resulted in an extraordinary increase in the number of drugs tested and labeled for children. In the past ten years, BPCA has prompted over 780 pediatric studies and yielded 115 new drug labels for children, fundamentally changing the practice of pediatric medicine and the quality of health care for our nation's children.

Since the inception of BPCA, Congress has recognized the need to ensure that it strikes the appropriate balance between cost to consumers and benefits to children. This year we have the data to show that we can adjust the exclusivity provision without losing pediatric studies. In February, the Journal of the American Medical Association (JAMA) published a study of the profits drug manufacturers received from the additional 6 months of pediatric exclusivity. The study found that ''the Pediatric Exclusivity Program overcompensates blockbuster products for performing clinical trials in children.''

The approach taken by your BPCA reauthorization legislation appropriately addresses the small number of products for which the benefit of additional exclusivity has far exceeded the incentive it was intended to provide. By limiting exclusivity only for those products with sales over $1 billion, your proposal can address concerns about excessive profits without jeopardizing the extraordinary benefits of BPCA for children's health. The adjustment will significantly reduce the overall cost of pediatric exclusivity to consumers. We therefore oppose Senator Allard's amendment to strike this reasonable exclusivity adjustment from S. 1082.

We are grateful for your leadership and commitment to improving the health of our nation's children and look forward to swift passage of BPCA by the full Senate.

Sincerely,

AIDS Alliance for Children, Youth & Families; American Academy of Child and Adolescent Psychiatry; American Academy of Pediatrics; American Brain Coalition; American Pediatric Society; American Psychiatric Association; American Thoracic Society; Arthritis Foundation; Association of Medical School Pediatric Department Chairs; Children's Cause for Cancer Advocacy; Elizabeth Glaser Pediatric AIDS Foundation; National Association of Children's Hospitals (N.A.C.H.); National Organization for Rare Disorders; Society for Pediatric Research.

Mr. DODD. To anyone offering to flyspeck this proposal and offer variations to it, I would say that months and months have gone into this legislation which we think has had the dual effect of ensuring that the ramifications of expanding the length of exclusivity, as some have proposed, have been carefully considered along with proposals to limit the length of exclusivity to 3 months for all drugs, as others have proposed. The bill before us balances many viewpoints on this program and is a proposal that 15 major organizations involved with the effort strongly support.

Throughout the 10-year history of the Best Pharmaceuticals for Children Act, Congress has recognized the need to ensure it strikes the appropriate balance between the cost to consumers and benefits to children. By instituting a 5-year sunset in both the original legislation in 1997 and the first reauthorization in 2002, Congress was acknowledging the ongoing need to evaluate the cost of the incentive under this act to consumers in relation to the benefit of having medications properly studied and labeled for children.

The 6-month incentive of exclusivity has been very successful in generating pediatric studies. Yet after 10 years,

experience and data have shown us that for a small number of drugs, pediatric exclusivity has far exceeded the carrot that was designed to encourage people to move forward.

In February of this year, the Journal of the American Medical Association published a study of the profits drug manufacturers received from the additional 6 months of pediatric exclusivity.

The study found that most of the drugs studied under the Best Pharmaceuticals for Children Act in recent years received relatively modest returns. In fact, data shows that many drugs came close to breaking even with respect to financial returns on investment for conducting pediatric trials. In one place they may have had a negative return.

However, the study also found, and I quote them here, that ''the pediatric exclusivity program overcompensates blockbuster products from performing clinical trials in children.''

S. 1082 contains a very reasonable, workable mechanism to address cost concerns. By adjusting exclusivity from 6 months to 3 months only for those products with U.S. sales over $1 billion, I think S. 1082 can address consumer concerns about excessive profits without jeopardizing the extraordinary benefits of this legislation.

I don't think it is too much to ask. That is why we have the sunset provisions in this program, to be able to go back and analyze how this is working every 5 years. So for those products in excess of a $1 billion, we shorten exclusivity. I am satisfied.

Pfizer, a leading drug company in this country, supports this proposal. The producer of the largest blockbuster drug in the world says this is a good compromise. Why are my colleagues having a hard time? If a major drug company who has benefitted under this exclusivity and manufactured blockbuster drugs says this bill is a sound compromise, what is the problem my colleagues have with this proposal?

If Pfizer, a company that has benefitted from this program says this balance is a healthy one, why can't my colleagues be happy with it?

This bill is a good bill. It has done a good job for people. But let's remind ourselves that we also have a responsibility to consumers. And when consumers find themselves in a situation where they can't afford lifesaving medicines, then it is time for us to strike a balance. This bill has a sunset provision in it. I am for the sunset provision. I am for it because we need to come back again in 5 years and assess where we are on this issue rather than make a determination that in perpetuity this is a program and a balance that makes sense forever.

According to the Congressional Budget Office, eliminating the exclusivity adjustment, as the amendment offered by my colleague from Colorado would do, would increase the cost of exclusivity to the Federal Government by $50 million over 10 years. So in addition to the consumers, taxpayers are going to be asked to pay an additional $50 million under the Allard amendment.

Again, if we have drug companies saying they think this proposal is a good balance, why are we adding a $50 million pricetag to the taxpayers with the Allard amendment, not to mention the cost of these drugs increasing as a result of extending exclusivity from 3 months to 6 months for products with sales in excess of $1 billion?

As I said, this is something I have worked on for a long time in a bipartisan fashion: to strike a balance as we've tried to do for 10 years between benefits to children and cost to consumers. To now say all of us who have worked on this program are wrong, all of the organizations involved with children's health are wrong, and drug companies that have benefitted from this program are wrong—but we know best. We know best. We think those billion-dollar products deserve to be protected. We think the taxpayers should foot the $50 million bill and the cost of these drugs are irrelevant in this debate. Well, they are not irrelevant.

We may do great damage to something we are trying to achieve after a decade of hard work on a bipartisan basis to put this together. I say respectfully to my friend from Colorado and the Senator from Wyoming, we have worked hard to strike these balances. It is not easy. These are complicated issues. It requires cooperation on both sides of the aisle to get the job done. That is what I have done for a decade with Members of that side of the aisle to see to it that we have a good, strong bill. The result is a program which has gone far beyond what we anticipated might happen.

The slight adjustment we have made after analyzing this bill after 10 years is little to ask. If one of the largest beneficiaries of the program is satisfied, and if the organizations who support this program believe it is all right, why are we adding a $50 million pricetag and asking consumers to pay more?

I urge my colleagues to reject the Allard amendment when the vote occurs. I thank Senator KENNEDY and others who have worked so hard to make this possible. This is a very important piece of legislation, and one that can do an awful lot of good. The amendment offered by my colleague from Colorado puts that at risk. Our children in this country deserve better than what he is offering, which is to try to break up the delicate balance I have tried to put together for a decade.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my dear colleague from Tennessee for allowing me to go first, and also my two colleagues on the Democratic side, Senators CARPER and STABENOW.

I ask unanimous consent that Senator ALEXANDER be permitted to go next and then Senator CARPER and then Senator STABENOW.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I think it would be useful if we rotate it back and forth.

Mr. HATCH. I think we have an agreement among the four of us.

Mr. KENNEDY. If the Senator from Delaware is satisfied, that is fine with me.

Mr. ENZI. One of the things we are trying to do is keep the debate on the children's amendment so we can get a conclusion to the children's amendment before time deadlines come up. So if those who wanted to speak on other issues can reserve their time until later, that would be very helpful.

Mr. HATCH. I would add to that request the Senator from Oklahoma after Senator STABENOW.

Mr. KENNEDY. We still have the Pastore rules in effect, which means the debate on the first 2 hours is supposed to be on matters which are subject to it. I mean it is not generally enforced, but Senator ENZI and I are trying to move forward.

The PRESIDING OFFICER. Is there objection to the unanimous consent request from the Senator from Utah?

Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleagues, including the two managers of the bill on both the Democratic and the Republican side.

I rise in support of the Allard amendment. I want to take a few minutes to talk about pediatric testing and research provisions included in this bill. I have strongly supported both the Best Pharmaceuticals for Children Act and the Pediatric Research Improvement Act.

As my colleagues know, current law provides 6 months of exclusivity for drugs that do research and development in the area of pediatric use. I am very interested in keeping it that way. That has proven very efficacious in the Hatch-Waxman bill. It keeps companies involved in developing great drugs for children in this area. So it is a very important part of this.

I was deeply involved in those negotiations in 1997 with my former colleague, our former colleague, Senator Mike DeWine. I have supported these efforts from Ohio Senator Mike DeWine that brought additional pediatric testing of prescription drugs to our attention during consideration of the FDA Modernization Act of 1997. He fought long and hard to encourage drug companies to conduct clinical trials on pediatric uses of their drugs.

His efforts paid off and this program has been extremely successful. As a result, pediatric drugs are safer and more effective for children. The bill before us today reduces the 6-month exclusivity period for blockbuster drugs to 3 months.

I emphasize again this market exclusivity has provided the incentive needed to increase research and development for pediatric drugs. We used the

same type of an approach on the orphan drug bill many years ago. At that time there were only a few orphan drugs. Today there are over 300 being developed. It is the same principle here.

The Allard amendment restores current law and provides 6 months of exclusivity for all drugs. As I mentioned last night, my good friend and colleague from Connecticut, Senator CHRIS DODD, has also shown great leadership on this issue when FDAMA was being considered in 1997. He held a hearing on this issue earlier this year with his ranking Republican member, Senator LAMAR ALEXANDER, who has served long and well on this committee.

That hearing was very insightful, and I believe many of us are trying to do the right thing as we reauthorize both programs. I urge my colleagues not to lose sight of the purpose of these two programs as we make decisions on this part of the bill. We want good solid information about the safest way to prescribe drugs for children.

By giving companies market exclusivity to conduct clinical trials, we will know the safest dosage levels for children. So let's not lose sight of the original purpose of these programs: to help children have the safest dosages for prescriptions.

Now, it is no secret I support the Allard amendment. I would just like to add a few more facts. Nearly two-thirds of the drugs prescribed for children have not been studied and labeled for pediatric use. I know the importance of accurate clinical information about a drug's use in the pediatric population. This smaller body mass and higher metabolic rates of children mean they often respond differently to drug dosing than adults do.

A drug that is safe and effective in adults may not always be safe for children. The question is not whether we should study the safety of drugs for children but how we make that research happen.

In 1997, Congress considered this issue and created an incentives program for companies to study the use of their drugs in pediatric populations. The program offers an additional 6-month patent protection or exclusivity to drug manufacturers to help recoup the cost of investing in these critical pediatric studies. It is a win-win situation. Drug companies have the incentive to invest time and extra resources for a small share of the market, and, more importantly, children get the research they need.

The evidence is that the incentives for exclusivity should be maintained, not lowered. Despite the fact that the bill providing the incentive for pediatric studies was enacted a decade ago, nearly two-thirds of the drugs prescribed for children have not been studied and labeled for pediatric use.

We have had a great deal of study about the need for this incentive and how it should work.

The fact remains that there is a persistent public health need for accurate clinical information about how adult drugs will work in children.

Children are not adults, for reasons that the Senator from Oklahoma, Dr. COBURN, has well explained to this body.

Much of what our colleague from Connecticut, Senator DODD, has just said underscores the need for a continued, strong, exclusivity provision.

The statistics he cited about the success of this program are truly remarkable and a significant milestone in the history of public health.

The only place where there seems to be disagreement on Best Pharmaceuticals for Children Act is the exclusivity period for what some define as ''blockbuster drugs.'' I know the Senator may call the 6 months period ''gouging'' but that ''gouging'' may very well be the incentive that has led to the FDA receiving more than 400 proposed pediatric-study requests and receiving 144 completed studies.

Those who support the Senator's amendment—and I know it is well-intentioned—suggest that without the 6 months' incentive, the pediatric testing will still continue and will be robust. Who knows if this is true?

I wonder if we want to call their bluff and take away this powerful incentive? I don't think we can take that chance.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, first I would like to congratulate Senator DODD and others who over the past 10 years have developed this piece of legislation. It has been remarkably effective. I think it is important as we talk about this that we remind ourselves what we are saying. What we are saying is, we live in this country with all of these wonderful pharmaceutical drugs for adults, but in many cases, before this legislation had been enacted, doctors were flying blind. They were guessing about the effect of these drugs on children.

That sometimes had very unfortunate results. I know that in my home State of Tennessee a drug for whooping cough was given to a number of children. There had been a clinical trial for the effect it would have on adults but not on children. And the children were so seriously harmed by the drug that the Centers for Disease Control later found that the drug was the reason they needed stomach surgery.

So it is remarkable that 10 years ago Senator DODD and others—Senator DeWine, Senator HATCH, and many others who have been mentioned—came up with the idea that if we strike this balance that Senator DODD has referred to several times and give the companies that make the drugs a little more time, 6 months with their patent, that they in return would then conduct trials on these drugs on how they affect children.

No one knew at that time exactly what would happen. They were guessing. This is long before I came to the Senate. But they guessed well. As a result, as has been said, about one-third of the drugs that are given to children now have had testing and trials for use in children. Now doctors, when we bring our babies and grandbabies in, have a better idea of what they are doing. They are guessing less. It is better for the children.

In my family we have two new grandchildren under the age of 2. Senator DODD, being younger than I am, has two children who are young like that. Maybe he has heard what I have heard. My mother used to say to me when I would go to the babies and they were happy, she would say: ''Son, don't try to make a happy baby happier.''

In effect, what she was saying is, leave it alone if it is happy. Well, this is a happy piece of legislation for which Senator DODD and others should have a lot of credit. My suggestion would be let's not try to make a happy piece of legislation happier. It is happy because one-third of medicines are being studied, and doctors know more about what they are giving to their patients who are children.

What the Allard amendment would do is keep the law the way it is. It is the bill that is on the Senate floor that would change things.

I understand this is an estimate, but I listened to the testimony. The Senator from Connecticut suggested we are all racing here at the last minute and changing it. Wait a minute. We had a hearing on this some time ago. It was a terrific hearing. I was there. We heard various points of view, a lot of celebration about the effect of this act over the last 10 years. The only reason I was not a cosponsor of this legislation was because I wanted to hear the testimony about what the effect would be of changing this law that is a happy law that has worked so well for so long. As a result, it created the situation where a third of the children have drugs that doctors know more about.

After listening to all the testimony, if I were going to change the law, I would make the incentive 7 months or 8 months or 9 months. Why would I do that? The reason is, at the hearing it was said that while a third of the drugs that are administered to children have had been tested for use in children, probably we need two-thirds of the drugs that are ready for adults to have that sort of testing. In other words, we are about halfway where we want to go if we want to have drugs that are tested to see what their effect will be on children.

So my question was, if giving 6 months' incentive has gotten us halfway where we want to go, then maybe to get all the way where we want to go, we should go to a 7 months' or 8 months' incentive. But my feeling at the end of the hearing was, well, the existing law has worked well by providing an incentive of 6 months. Let's leave it like it is. The end result of the legislation that is on the floor is not to

leave it like it is but to change it, to reduce it from 6 months to 3 months, which is exactly backwards.

What the effect of this reduction will be is to reduce the opportunities for tests of drugs for children, which would fail to move us along toward the goal of having two-thirds of drugs studied for use in children.

I applaud Senator DODD. I give him great credit for this. When he retires from the Senate in another 30 years, this will be one great feather in his cap, as well as for Senator CLINTON and others who have worked on this. But I would go back to what my mother said: ''Don't try to make a happy baby happy.'' Let's not try to make a happy piece of legislation happy. Let's leave it the way it is. It has worked for 10 years. Let's let it work for another 5 years the way it is. Adopting the Allard amendment would keep it the way it is.

I have one suggestion for Senators KENNEDY and ENZI, if I may. Maybe they would want to consider it as part of the managers' amendment. We heard testimony at our hearing that perhaps our goal should be someday to get two-thirds or three-fourths of the drugs that are for adults studied for use in children. Today it is one-third. I think it would be useful for us at a future time to know exactly what our goal ought to be. Maybe it ought to be 90 percent. Maybe it ought to be 50 percent. But I wanted to suggest to the Senator from Massachusetts and the Senator from Connecticut that we might want to include in this legislation asking the FDA or the appropriate agency to study what percent of drugs approved for adults should also be tested for children, what is that proper goal, so that the next time this issue comes up we have some informed judgment about it. A quick review of the medical literature shows there hasn't been any such study. I could be corrected if there has been. If there hasn't been, I suggest we make that a part of the legislation. I make that simply by suggestion, not amendment. I intend to vote for the Allard amendment, and I have stated the reasons why. If we have a happy piece of legislation, let's keep it happy. That will do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 990

Mr. CARPER. Mr. President, I wish to change the subject for a moment, if I may. The overall subject is the same; that is, the legislation that is before us. I salute Senators KENNEDY and ENZI and their staffs for providing an excellent piece of legislation. It was not an easy thing to do on a difficult subject. I thank them for their efforts and for getting us to this point.

Yesterday evening, our colleagues and friends, Senators DORGAN and SNOWE, filed an amendment to S. 1082 that would allow for reimportation of prescription drugs from Canada and from certain other countries. In previous years, a number of us, including me, supported reimportation legislation, so long as the Secretary of Health and Human Services certifies that the reimportation of prescription drugs can be done both safely and cost-effectively.

Earlier this morning Senator COCHRAN filed a second-degree amendment to the Dorgan-Snowe legislation that seeks to require that certification in the context of this legislation that is before us today. Senator COCHRAN's amendment would require the Secretary of Health and Human Services to certify that the provisions within the Dorgan-Snowe reimportation program would pose no additional risk to the public's health and safety.

In addition, the Cochran amendment would require the Secretary of Health and Human Services to certify that this reimportation program would result in a significant reduction in the cost of prescription drugs to the American consumer. So there are two goals. These few lines that Senator COCHRAN just introduced were passed by unanimous consent 4 years ago in 2003. In 2002, this language passed the Senate by a vote of 99 to nothing. It is clear, at least to me, from these past votes that this is not the first time the Senate has taken up this issue and, again, with some consensus.

Since the last time reimportation was before this body, Senators DORGAN and SNOWE have worked hard to address many of the safety concerns folks had raised in previous iterations. I commend both of them and their staffs for working diligently to try to address a number of these concerns. I believe they have made significant progress. For instance, concerns were voiced earlier that the FDA would not have enough funds to operate a reimportation program. To provide the FDA with additional resources, the revised Dorgan-Snowe proposal would increase user fees paid by those drug wholesalers and pharmacies participating in the program from 1 percent to 2.5 percent of the total price of the drugs that are reimported. This moves us closer to ensuring that FDA will have the resources they need to operate this program effectively.

Senators DORGAN and SNOWE'S new legislation would also allow the FDA more time to phase in the number of drug exporters and importers that want to participate in the program. A slower phase-in would give the FDA more time to ensure that the importers and exporters are aboveboard and should help alleviate concerns that we would unknowingly allow unscrupulous vendors into this reimportation program.

Although Senators DORGAN and SNOWE address a number of the drug safety concerns, I believe a couple of possible shortfalls remain, especially when it comes to stopping the proliferation of counterfeit, adulterated drugs. Specifically, this legislation relies on what are called paper pedigrees to show a drug's chain of custody, but there is no guarantee that these paper pedigrees could not be forged to hide possible counterfeiting, possibly leaving American consumers with a less safe drug supply. Moreover, this bill relies on what some believe are unproven and untested anticounterfeiting technologies to guarantee drug safety. While I give credit to my friends for trying hard to build safety into the proposal, it is not yet clear that anticounterfeit technologies, which the proposal relies so heavily upon, is yet at the point of being both widely available and, more importantly, cost effective.

In addition, it is unclear to me if this reimportation program would give the FDA the authority to conduct inspections of foreign manufacturing plants. It is unclear to me whether the countries permitted under this bill to export drugs into the United States have the same kind of safety and quality control standards that we enjoy at home.

In the end, drug reimportation will only work if we are able to ensure that the drugs we import are as safe as those manufactured and sold in the United States. If the Secretary of Health and Human Services, the person who directly overseas the FDA to ensure the public's health and safety, is not prepared to certify that the importation is safe, then that gives me pause, and I believe it should give us pause. We don't have a reimportation program operating right now, but the incidence of drug counterfeiting and adulterated drugs still exists. In the last few years, prescription drugs that contained bogus or dangerous ingredients as well as actual drugs that were deceptively labeled to hide their origin have made their way into the United States. For example, 4 years ago, counterfeits of the cholesterol drug Lipitor were found in the United States and made their way to a number of American consumers. Recently, FDA warned consumers about counterfeit drugs from multiple Internet sellers.

Many would argue that the FDA already has its hands full. If that is true, how do we in good faith add another layer of complexity such as reimportation to an already overburdened and underresourced system without also demanding that the Secretary of Health and Human Services certify that reimported drugs are safe for American consumption.

Similar to most of my colleagues, I am not opposed to reimportation, but I do firmly believe that despite the very real progress that has been made with respect to the earlier Dorgan-Snowe proposal, some uncertainties remain in the revised legislation they offered yesterday. Because of those remaining concerns, I support the Cochran amendment and ask my colleagues to do the same.

Similar to some of my colleagues, I have held in my hands medicines that appear to be the same as the prescription medicines manufactured in this

country. They were the same size, same shape, same color. They have the same markings. The wrapping and the materials they come in are the same. They appear to be, for all intents and purposes, the same legitimate prescription medicines. They were not. In some cases, they contained materials that were unsafe, and in other cases they contained materials that were not helpful to the person suffering from a particular malady. I would like to say that those concerns for that kind of behavior have gone away. They haven't. The profit motives for those who would like to sell bogus drugs, counterfeit drugs, the economic attraction of doing that is enormous. As a result, I think we need to proceed with caution.

I again commend Senators DORGAN and SNOWE. They are trying hard. Their staffs are trying hard to get us to the point where the Secretary of Health and Human Services can actually certify that we can reimport these drugs in a way that is safe and cost effective. We will be voting later today to determine whether we have gotten that far. The Cochran amendment made sense before, and I think it still makes sense.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for the benefit of the Members and the greatest convenience, we will vote on the Allard amendment at 12:25. What I would like to do is propose a consent agreement that we vote at that time. I know the Senator from Oklahoma and the Senator from Michigan want to talk. We have 35 or 40 minutes. Probably Senator ALLARD and Senator DODD would want to make a comment before we get to the vote.

I ask unanimous consent that at 12:25 the Senate vote in relation to the Allard amendment 982 and that the time until then be for debate with respect to the amendment, with the 40 minutes divided as 20 minutes being divided equally between Senator ALLARD and Senator DODD and 20 minutes between the Senator from Michigan and the Senator from Oklahoma; furthermore, that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 1011

Ms. STABENOW. Mr. President, first, I ask unanimous consent that the pending amendment be temporarily set aside and call up amendment No. 1011 for the purposes of offering the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. THUNE, Mr. LOTT, Mr. BROWN, and Mr. KOHL, proposes an amendment numbered 1011.

Ms. STABENOW. 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 insert provisions related to citizens petitions)

At the appropriate place, insert the following:

SEC. ___. CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

''(r) CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.—

''(1) IN GENERAL.—

''(A) NO DELAY OF CONSIDERATION OR APPROVAL.—

''(i) IN GENERAL.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

''(ii) NO DELAY OF CONSIDERATION.—The receipt of a petition is not just cause to delay consideration of an application submitted under subsection (b)(2) or (j) and consideration of a petition described in clause (i) shall be separate and apart from the review of an application submitted under either such subsection.

''(iii) NO DELAY OF APPROVAL WITHOUT DETERMINATION.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 30 days after the submission of the petition, that a delay is necessary to protect the public health.

''(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

''(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

''(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

''(2) TIMING OF FINAL AGENCY ACTION ON PETITIONS.—

''(A) IN GENERAL.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

''(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

''(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

''(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

''(3) VERIFICATIONS.—

''(A) PETITIONS FOR REVIEW.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; and (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about _____. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: _____. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

''(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents. I further certify that the information upon which I have based the action requested herein first became known to me on or about _____. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: _____. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

''(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

''(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

''(B) the number of petitions that were submitted during such period;

''(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

''(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

''(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

''(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

''(7) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request to the Secretary, without regard to whether the request is characterized as a petition.''.

Ms. STABENOW. First, Mr. President, I thank Senator KENNEDY for his incredible leadership and work on this very important legislation, and Senator ENZI, as well, for his leadership and work and partnership with Senator KENNEDY on this legislation. I also thank Senator DODD for his years of advocacy for children. I join with him in opposing the Allard amendment, and believe Senator DODD has given us the first step as to where we need to go in terms of more medicines being available for children. I thank him for all of his leadership.

Mr. President, I today am offering an amendment—a bipartisan amendment, with Senator THUNE, as well as Senator LOTT and Senator BROWN; we also have Senator KOHL joining us—to close a loophole that the brandname pharmaceutical companies are using to prevent competition by delaying the entry of generic drugs.

Our amendment is based on the citizen petition provision that is included in a bill Senator LOTT and I introduced last session and again this session, but it has been greatly improved by contributions from Senator BROWN. I particularly thank him for his hard work and contributions to this amendment.

The citizen petition process is intended to allow citizens to raise legitimate issues regarding drug products, and it is very important we have that. However, the brandname pharmaceutical companies have increasingly used citizen petitions to delay access to safe, effective, and affordable generic drugs.

Simply put, citizen petitions have become PhRMA petitions to block consumers from having access to affordable medicines, unfortunately. The cost to employers, consumers, health insurance plans, and Government health plans, as a result of delayed entry of generics, amounts to hundreds of millions of dollars—and in some cases billions of dollars.

For that reason, our amendment has the support of a very broad range of consumer groups, business groups, labor, pharmacy, and other organizations, including the AARP, the chain drugstores, General Motors, Ford, DaimlerChrysler, the AFL–CIO, the Alliance for Retired Americans, CalPERS, the National Committee to Preserve Social Security and Medicare, Families USA, the Pharmaceutical Care Management Association, the UAW, and the Coalition for a Competitive Pharmaceutical Market, which is a broad coalition of our employers and insurers across the country.

What would our amendment do? Our amendment would, first, preserve the right to file citizen petitions and raise legitimate safety issues. This is very important. We do nothing to take away the citizen petition. It would reduce the filings, though, of frivolous citizen petitions, and it would stop frivolous petitions from delaying generic entry—and thus costing businesses, consumers, and taxpayers—by allowing needed competition to bring down prices in the pharmaceutical market.

It would do so by, first, requiring the generic approval process to move forward while a petition is considered, unless the petition has raised legitimate public health concerns about the drug.

Second, it would require that final action on a petition be taken within 6 months of the petition being received.

Third, it would require petitions to be signed and include a verification that the petitioner has taken reasonable steps to ensure all relevant information is included in the petition and whether any payments have been made in exchange for filing the petition. This is very important.

And, fourth, it would ensure transparency surrounding FDA's decisions on whether to delay generic drugs on the basis of a citizen petition.

Our amendment improves upon the language in the Stabenow-Lott bill in that it sets timelines for FDA to evaluate petitions and absolutely ensures that if it is a legitimate public safety issue, then medicines will not be approved unless and until the safety issues are resolved.

Why do we need this amendment? Any person or organization can file a citizen petition with the FDA raising concern. We certainly want people to be able to do that. However, the process right now is being used in ways that are unintended.

The Medicare Modernization Act closed a lot of loopholes that the brandname companies were using to delay generics from going into the marketplace. So, unfortunately, they have looked to another tool. They are now using these frivolous citizen petitions.

Between passage of the Medicare Modernization Act and April 30, 2006, brandname companies filed 45 citizen petitions requesting that the FDA delay approval of a competing generic drug. Of the 45 petitions, the FDA has ruled on 25 of them. Of the 25 petitions, 92 percent of them were denied.

The brandname companies often file these petitions right on the eve of the generic drug being approved, making it very clear that delay is the goal. These are ''11th hour'' petitions, as they have been called, and 12 of those ''11th hour'' petitions—12 of them—were denied in whole and 1 in part by the FDA.

What do the petitions ask for? Do they raise new and important issues? Unfortunately, the answer is no. Although the petitions are filed before or after a generic drug has received tentative approval from the FDA, they commonly simply request additional studies or additional data, based on mere speculation by the brand companies.

The FDA typically will not approve a generic drug until all the underlying issues of a citizen petition have been addressed. As a result, although the FDA regulators provide that citizen petitions should be addressed within 6 months—and that is what our amendment says—the average review time is 10 months. And 10 months means lots of lost dollars. It leaves consumers paying more, businesses paying more, and insurers paying more.

The fact is the vast majority of petitions filed by brand companies have nothing to do with science and everything to do with delaying generic drugs, stopping the competition. Consumers lose as a result of that.

In December 2005, Merrill Lynch released a report analyzing brand company use of the FDA citizen petition processes. The analysis involved a review of citizen petitions filed by brand companies since 2001. They said there was a ''sharp uptick'' in the number of citizen petitions filed by brand companies in 2004 and 2005 and,

> In many instances, the filing of [these citizen petitions] by branded companies coincided with the expiration of a product's patent (or other marketing exclusivity) effectively delaying generic competition for months and sometimes years.

Why is this important? Well, I want to give you a few examples.

Flonase is a drug that is used to treat nasal symptoms and allergies. It is a very commonly used drug. In this case, the brand company filed multiple citizen petitions in an effort to delay the generic competition, a lower priced drug, from going on the market. All three citizen petitions were denied.

According to the FDA:

> [The brand company] has not articulated sound public policy grounds for supporting a stay. In addition, [the brand name company] has not demonstrated that the delay resulting from the stay is not outweighed by public health and other public interests.

In other words, no sound public policy, but, unfortunately, the delay took months to resolve.

The following quote from Gary Buehler, Director of the Office of Generic Drugs at FDA, was reported in

the New York Times on February 23, 2006:

The agency was required to consider the petitions and to write responses. That took time and delayed the approval [process].

So what happened? Even though all of these petitions were denied by the FDA, it took so much time, and generic entry was delayed by 656 days, and the brand company was able to get $1.65 billion more in sales.

We see with all of these drugs shown on this chart delays that have, in fact, allowed the brandname company to be able to continue sales. Unfortunately, these higher costs are paid by our seniors, consumers, and businesses that offer medication, as well as by insurers themselves.

We have not only large delays, but even in the case of 5 days, $17 million more in sales. So there is great incentive to use delaying tactics in order to be able to continue this process.

Mr. President, I see my time is up. Let me say this amendment was carefully constructed to allow citizen petitions to continue. The overwhelming evidence from the Federal Trade Commission, the Office of Inspector General, as well as the FDA, and others—the overwhelming evidence is we are seeing this as a new loophole that is being used to delay effective competition and lower cost medicine from going into the marketplace. We can fix that and keep the citizen petition for legitimate issues. We certainly want that. We certainly are concerned about safety, as is the FDA. But it is time to close this loophole.

I thank my colleagues who are cosponsoring this amendment and urge support for the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 982

Mr. COBURN. Mr. President, I rise to speak for a minute in support of Senator Allard's amendment. I also want to recognize Senator DODD's work, and I believe he truly cares about us getting pharmaceuticals to children. But I think the bill as written today has some very great risks for our children.

I practice medicine. I can remember 25 years ago, for so many of the drugs, we did not know what we were doing as they related to children. We had sometimes great outcomes and sometimes poor outcomes as to the availability and knowledge of pharmaceuticals for children.

We have a system that started 10 years ago that has been highly successful. Mr. President, 144 drugs have now been studied in kids. We know what we are doing with 144 drugs. With 25 of those drugs, we now know not to use them for children.

How did we get there? We created an incentive that said: We will give you a 6-month patent extension if you will study pediatric indications and do a study on pediatric patients for this drug. It worked. As a matter of fact, it worked great.

Now, I am having trouble understanding, as a physician, the therapy Senator DODD wants to put on this. He is back to practicing medicine the way we did pediatrics 25 years ago with his amendment. I certainly hope he is right if he wins because there are going to be a lot of children in trouble if he is not.

What his amendment actually says is, if you made $1 billion off a drug, you only get a 3-month extension. I can see how we could look and say they are making too much money. But only 1 out of every 10 drugs we studied in pediatrics was a blockbuster drug. So what is happening with these high-profile drugs they are making a lot of money off of is they are the things that are funding the other 130 studies of drugs that are not blockbusters, that are not profitable.

So what Senator DODD has put in this bill—and I know it is well-meaning—is to limit that profitability, hoping drugs will become more reasonable, and gambling—a very risky gamble—that the research on pediatric drugs will continue with that 3-month extension.

He may be right. But as someone who cares for kids in my own practice, I am not willing to take that gamble. I am not willing to say: What if he is wrong? What if the studies go from 144 to 15?

Now that we are seeing all these new drugs coming out, we are not going to have a study for kids? We are going to take away opportunities for young children to have the benefits of a new drug because they are not studied? Or we are going to use the drugs anyhow, even though they are not indicated and we do not know what we are doing, in a hope—not in a knowledgeable, scientific way but in a hope we are doing some good?

We have a system that has worked very well. Senator DODD was supportive of that system. I do not know that he is right. He could be right. But the question will be: What if he is wrong? What if the next 100 drugs that come out for maladies that could have an application for children—especially some very small used drugs, specialty drugs for chemotherapy, and have a very low incidence of usage in kids—what if they are not available? What if they are not made available? How many children are not going to get that drug? Now the system is paying for 90 percent of the studies on drugs that aren't the blockbusters, and we are going to cut the incentive in half. It may work. I don't know where the knowledge is, the scientific inquiry, or the study that says that going from 6 months to 3 months is the right amount. What about 2 months? What about 1 month? What about 5 months? We don't know. So what are we going to do? We are now going to go back and practice on pediatric drug studies the way we used to practice on children. We are going to guess.

What the Allard amendment says is: We are not real happy there is this amount of tremendous profit, but we do understand that the profit off the blockbuster drugs is actually paying for 90 percent of the studies on nonblockbuster drugs for kids, that we are going to take away that incentive. It is really comforting as a physician to know now what I didn't know before in terms of giving a kid a medicine and knowing how it is going to be metabolized, knowing its half-life, knowing it is different in a child and being able to dose it correctly, and confidently saying to a parent: I have given you something that is going to fix your child, that is going to cure this illness, and I know you are not going to have a side effect from it.

What we have done has worked. Why would we mess with it unless we know? I have listened to this debate. I don't see anybody telling me how we know we are not going to disincentivize further drug studies. If somebody can show me that, then I will be happy to vote against the Allard amendment. But there is not anybody who can show me scientifically that we are going to have another 144 drugs studied if we cut this in half. Maybe we will, maybe we won't. I can't see into the future, but I am cautious enough to know I love the progress we have made.

If we change this, if we change it—and it sounds as if, from the debate here, the Allard amendment isn't going to be approved—we better darn sure know what we are doing, and we better darn sure say that taking money away from drug companies in terms of extending patents is not going to have a negative impact in terms of positive benefits.

I am not the greatest defender of the drug companies. I authored the first bill that was signed by President Clinton which allowed reimportation of drugs into this country. Why did I do it? I think we need to have a worldwide market on pharmaceuticals. We don't. We have a controlled market everywhere except in this country. The American taxpayers end up subsidizing the research and subsidizing the profits. But I also recognize that some of these drugs' profits are the very things that allow me to now give comfort to a mother and a father when they have a very sick child.

I hope Senator DODD has the wisdom to know that he has done it just right and that there is not going to be one cancer chemotherapeutic agent that wasn't studied in children because it is not a blockbuster drug, and now that we are going to cut it to 3 months, that there will still be an incentive to make sure that the next child with a sarcoma or the next child with an aplastic anemia or the next child with a leukemia that is resistant to bone marrow transplant or anything else is going to be able to have the medicine.

We are going to go back to the way we practiced medicine 10 or 12 years ago. We are not going to know, and we are going to shoot from the hip and pray and hope. What we have today is we don't have to pray and hope anymore. We now have the studies.

I don't know the answer to it, and I am not saying Senator DODD is wrong, but I think a legitimate question to ask is, What if he is wrong? What if he is wrong? How many children aren't going to have drugs? How many children are going to have a drug complication? How many children are going to have a drug interaction? How many children's lives aren't going to be saved because we decided the drug companies are making too much money and we are going to tell them how much they should make?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, if I may, I would like to divide my 10 minutes, and I would like to spend a few minutes on another part of the bill, the Pediatric Medical Device Safety and Improvement Act.

I thank Senator KENNEDY and Senator ENZI for including this bill which I authored in the underlying legislation.

The pediatric medical devices provision of the underlying bill is not subject to an amendment, but I want my colleagues to know what we have done with this provision, which is a complementary piece of legislation dealing with a similar set of issues as under the Best Pharmaceuticals for Children Act. That is, ensuring that medical devices used in children are safe and designed specifically for children. One of the fundamental hurdles with respect to children is that the market for products designed for them is relatively small. However, I believe the proposals in the underlying bill will make a huge difference in the lives of children.

This initiative provides a very comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance.

Like drugs, where for too long children were treated like small adults and were just given reduced dosages, many essential medical devices used by pediatricians are not designed or sized for children, and that has been the case for many years. Pediatric providers have had to resort to jury-rigging or fashioning makeshift device solutions for pediatric use. When that is not an option, providers may be forced to use more invasive treatments or less effective therapies. This legislation addresses the need to promote pediatric device development by providing incentives to manufacturers while at the same time equipping the Food and Drug Administration with appropriate authority to monitor and ensure the postmarket safety of medical devices used significantly in children.

One such example which highlights the need for this legislation is a device known as the Vertical Expandable Prosthetic Titanium Rib, a device invented, developed, and brought to market by Dr. Robert Campbell, Professor of Orthopaedics at the University of Texas Health Science Center. Dr. Campbell appeared before the Health, Education, Labor and Pensions Committee in late March and testified about the arduous 14 years it took to bring the titanium rib to market. Dr. Robert Campbell made remarkable breakthroughs with this technology but the hurdles he faced were, at times, seemingly insurmountable.

I want to put up a photograph of a boy named Devin Alvarez, of Hialeah Gardens, Florida, which shows the remarkable difference this device has made for him. Devin was born with six ribs missing and a very small left lung and kidney. At birth, the doctors did not believe he was going to survive his first night. In May 2002, Devin underwent titanium rib implant surgery and the curve of his spine was reduced to 45 degrees. Devin stood straight for the first time in his life and, at present, Devin is a very typical 9-year-old boy who enjoys playing sports such as golf and baseball.

Again, remarkable ideas for pediatric medical devices happen regularly, but the incentives to transform ideas into new FDA-approved devices simply don't exist. So the motivation for the Best Pharmaceuticals for Children Act legislation 10 years ago dealing with pharmaceutical products for children is the same motivation behind this legislation—to encourage the medical device industry to develop and to engage in the kind of research to allow these technologies to emerge.

In describing the pediatric medical devices bill which is now included in this legislation, Dr. Campbell, who has been so instrumental in all of this, said:

> This bill represents an historic step forward for children's medical and surgical devices similar to those steps taken on drugs. It will help future medical inventors of pediatric devices to avoid my mistakes and my frustrations so that they can get their devices ''off the napkin,'' if you will, and into the pediatric patients who need them, in a safe and timely fashion.

I thank my colleagues from Massachusetts and Wyoming for working hard to make sure this will be a part of the underlying bill. I am grateful to them. It is my understanding that concerns have been raised by some in the medical device industry regarding a particular provision of the bill related to equipping the Food and Drug Administration with authority to ensure the safety of medical devices in children once they are already on the market.

The provisions in the bill mirror the recommendations made by the Institute of Medicine in its 2005 report on pediatric medical device safety. The Institute of Medicine found serious flaws in the current postmarket safety surveillance of these devices and the provisions in my bill correct those serious flaws. I am disheartened by those who would attempt to deprive children and physicians with information that pertains to device safety.

I think we have made some tremendous advances for children and their families in this legislation.

Mr. President, I ask unanimous consent that relevant material relating to the medical device provision of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION,
Washington, DC, March 5, 2007.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to thank you for your leadership in introducing the Pediatric Medical Device Safety and Improvement Act of 2007 and offer our strong support for this legislation, which will improve the health and well-being of children across the country.

This legislation will ensure that children enjoy the same protections as adults do when using necessary medical devices. Over the last few decades, countless innovative medical device products have been developed as a result of cutting-edge research and new technologies. As you know, children are being left out of the equation. Many challenges limit children's access to safe and effective medical devices, including differences in size, weight, metabolism rates, etc. With very few devices available for pediatric use, pediatric providers must resort to fashioning make-shift devices for their patients. Left with no alternative options, providers may be forced to use older or less optimal interventions, which can be less effective and could pose greater risk.

The Pediatric Medical Device Safety and Improvement Act of 2007 recognizes the urgency for greater development of medical devices created with children's special needs in mind. It provides a comprehensive approach to improving children's access to medical devices and includes provisions to assist innovators with technical and financial resources, streamline the regulatory processes, elevate pediatric device issues at the FDA and NIH, and improve incentives for devices for small pediatric populations—while still preserving the ability to ensure the safety of new products.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you to ensure that children across the U.S. benefit from this important piece of legislation.

Sincerely,

PAMELA W. BARNES,
President and Chief Executive Officer.

THE SOCIETY FOR CARDIOVASCULAR ANGIOGRAPHY AND INTERVENTIONS,
Washington, DC, March 15, 2007.

Hon. CHRISTOPHER J. DODD,
Chair, Subcommittee on Education and Early Childhood Development, Senate Committee on Health, Education, Labor and Pensions, Washington, DC.

DEAR CHAIRMAN DODD: I am writing to express our support for passage of your Pediatric Medical Device Safety Act of 2007. We greatly appreciate your efforts to expand pediatric patients' access to safe medical devices. Your proposal will be an important step forward.

The Society for Cardiovascular Angiography and Interventions is a professional association representing over 3,700 invasive and interventional cardiologists. SCAI promotes excellence in cardiac catheterization, angiography, and interventional cardiology through physician education and representation, and quality initiatives to enhance patient care.

Fortunately, cardiovascular disease is far less common in the pediatric population

than it is in the adult population. This good fortune does however frequently lead to unique challenges for the pediatric interventional cardiologist who treats these patients. Some of the challenges are clinical and we are more frequently solving those problems, saving children's lives and avoiding the trauma of surgery. Other challenges, and perhaps the most frustrating ones are related to obtaining the safe medical devices necessary to treat these patients. Devices that are available to our colleagues in Europe are not available in America. We support the FDA's efforts to ensure that only safe and effective medical devices are used on patients in our country, but when the entry barriers into the American markets are so high that manufacturers refuse to enter—some patients suffer and die needlessly. Required is an appropriate balance between the sometimes mutually exclusive goals of safety and availability.

We are especially pleased that your legislation will require the FDA to issue guidance to institutional review committees (IRCs) on how to appropriately consider the use of the humanitarian device exemption (HDE) at their institution. When HDE devices are not part of an ongoing trial, IRCs (which focus on reviewing the care of patients in trials) are sometimes confused.

We believe that giving the FDA explicit statutory authority to extrapolate from adult to pediatric patients in appropriate situations could help FDA officials expedite their review of some pediatric medical devices.

We applaud the provision that allows companies to make a profit on HDE devices designed for children. This change will encourage the development of more devices by providing an opportunity for profit and also by reducing concerns about audits, specifically those using different assumptions which could determine a profit was made when a manufacturer calculated their financial situation differently. We note that the 4,000 cap is arbitrary and far below the 200,000 patient limit that is placed on orphan drugs. We believe that more devices could be made available to pediatric patients and those with congenital heart disease if that cap is raised. We encourage you to consider such an increase either as a part of this legislation or broader FDA reform legislation.

We also understand that there are some concerns on the part of industry about the section 522 provisions of this proposal. As clinicians, we are not in a position to evaluate the precise impact of those provisions but we certainly hope those concerns can be resolved.

We look forward to working with you and your staff to support passage of this legislation and thank you once again for your efforts. Our Senior Director for Advocacy and Guidelines, Wayne Powell will be coordinating this effort for the Society and he may be reached at (202) 375–6341 or wpowell@scai.org.

Sincerely,

GREGORY J. DEHMER, M.D., FSCAI,
President.

FEBRUARY 28, 2007.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: On behalf of the 60,000 primary care pediatricians, pediatric medical subspecialists, and surgical specialists of the American Academy of Pediatrics who are committed to the attainment of optimal physical, mental and social health and well-being for all infants, children, adolescents, and young adults, we write today to express our gratitude and support for the ''Pediatric Medical Devices'' legislation. This legislation is an important step towards improving the process for the development of needed pediatric medical devices.

Children and adults often suffer from many of the same diseases and conditions, however their medical device needs vary considerably. Children are not just small adults and medical device technologies manufactured for adults often do not fit the needs of children. This problem forces pediatricians to ''jury-rig'' adult medical devices that are often too large, in order to make them fit smaller bodies. This practice, however, is not always effective and leaves children without optimal treatment. Additionally, children's device needs vary considerably due, not only to size, but also to different rates of growth, anatomy, physiological differences and physical activity levels.

This legislation offers incentives to device manufactures to create needed medical devices specifically designed to meet the needs of pediatric patients and it gives the FDA the authority to require post-market studies to ensure continued efficacy and safety of these devices. The need for pediatric medical devices to treat or diagnose diseases and conditions affecting children is clear; it is essential that medical devices be manufactured with children's needs in mind.

Thank you for your continued commitment to improving the health and well-being of children. We look forward to working with you as this important legislation moves through Congress.

Sincerely,

American Academy of Pediatrics.
American Pediatric Society.
Association of Medical School Pediatric Department Chairs.
Society for Pediatric Research.

STRYKER CORPORATION,
Washington, DC, March 6, 2007.

Senator CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: On behalf of Stryker Corporation (''Stryker''), I am pleased to announce our support for your legislation to improve the availability and safety of pediatric medical devices—the Pediatric Medical Device Safety and Improvement Act of 2007. Like you and your colleagues, we want our children to have access to the fullest and best range of possible medical treatments, even if that means doing or inventing something new just for them.

We view this as our responsibility both as the leading manufacturer of orthopaedic oncology prostheses in the United States and as a global medical technology company with a significant presence in other medical specialties, including craniofacial deformities such as cleft lip and palate. We take pride in partnering with and sponsoring a range of medical organizations, including one which last year was able to provide free cleft lip surgeries to 8,531 children in 23 countries. The surgery took only about 45 minutes and cost $750 per child, but the corrective surgery changed, in a positive way, forevermore the lives of each and every child and the lives of their families, too.

We sincerely appreciate your leadership role on children's issues. We take very seriously not only our commitment to children with cancer and craniofacial deformities but also our responsibility to ensure that our devices are safe and effective for use in pediatric patients.

As you may know, there has been significant progress over the past two decades in the management of patients with musculoskeletal cancers that has improved both the survival rates and quality of life of afflicted individuals. Twenty years ago, the standard treatment for any primary malignant bone and soft tissue sarcomas of the extremity was amputation of the affected arm or leg. Since that time, Stryker is proud to have partnered with leading pediatric oncology surgeons to develop limb-sparing, surgical solutions, including the implantation of a growing prosthesis that can be elongated to account for children's growth.

As with cancer, the treatment of craniofacial deformities is an area in which Stryker has also significantly improved and broadened its range of available medical products and solutions. With continued innovation of new and improved craniomaxillofacial technologies, Stryker hopes to continue to transform the lives of children with craniofacial deformities, such as craniosynostis and cleft lip and palate.

It is our hope that your legislation will further spur the evolution of novel health care solutions for children. The bill's efforts to streamline approvals for devices with pediatric indications, improve incentives for the development of devices for small pediatric populations, and encourage the establishment of non-profit consortia for pediatric device development should be commended.

Stryker stands ready to assist you in your drive to stimulate the further development of child-centered medical technologies while closely monitoring the safety of such products after they have entered the market. Thank you again for your leadership on this important issue, and we look forward to working with you to advance your bill as medical device reauthorization legislation moves forward in the 110th Congress.

Sincerely,

ED ROZYNSKI,
Vice President,
Global Government Affairs.

ADVANCED MEDICAL TECHNOLOGY ASSOCIATION,
Washington, DC, March 6, 2007.

Hon. CHRISTOPHER J. DODD,
Chair, Subcommittee on Education and Early Childhood Development, Senate Committee on Health, Education, Labor, & Pensions, Washington, DC.

DEAR CHAIRMAN DODD: On behalf of the Advanced Medical Technology Association (AdvaMed), I am writing in support of the Pediatric Medical Device Safety Act of 2007. We particularly appreciate your willingness to work together with all stakeholders in the development of this legislation. Your bill is an important step in ensuring expanded access to medical devices for children.

As you may know, AdvaMed represents over 1,300 of the world's leading medical technology innovators and manufacturers of medical devices, diagnostic products and medical information systems. Its member companies are devoted to helping patients lead longer, healthier, and more productive lives through the development of new life-saving and life-enhancing technologies.

AdvaMed fully supports the development of medical devices for pediatric patients. Your bill goes a long way to encourage the development of pediatric devices. As your legislation is considered, AdvaMed would like to continue to work with you to strengthen your legislation to enhance development of and access to pediatric devices. For example, we have a number of proposals to highlight existing FDA regulatory tools that could improve the number of devices cleared and approved for pediatric use. We also have recommendations to improve the proposed pediatric Humanitarian Device Exemption (HDE) and propose a compassionate use provision for extremely small pediatric populations to enhance your legislation.

Sec. 522 of the Federal Food, Drug, and Cosmetic Act (FFDCA) provides the FDA with broad authority to require postmarket

surveillance for any product for which FDA has concerns. We believe that the FDA's authority under Sec. 522 is sufficient to cover pediatric patients. In fact, we are concerned that the language in your bill may unintentionally reduce access to medical devices for pediatric patients.

Finally, although we recognize and appreciate your efforts to restrict the types of studies in your postmarket database to only ''scientific'' studies, we believe the language in your bill duplicates both the database that FDA is currently working to establish and the clinical trial registry legislation and legislation currently being contemplated by the HELP Committee.

In closing, thank you once again for your work on ensuring access to medical devices for children. We look forward to working with you on these and other improvements to your legislation as the bill moves through the Committee and the Senate.

Sincerely,

STEPHEN J. UBL.

RESPIRONICS, INC.,
Murrysville, PA, August 16, 2006.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DEWINE: Respironics, Inc. is a global medical device company based in Pittsburgh, Pennsylvania. We are the worldwide leader at anticipating needs and providing valued solutions to the sleep and respiratory markets. We employ approximately 4,700 employees and have annual sales in excess of one billion dollars.

In our business, we often are called upon to work with pediatric patients. Based on this work, it is clear that changes are needed to facilitate an improvement in the availability of diagnostic and therapeutic medical devices for children.

Currently, a draft of a bill entitled ''To improve the process for the development of needed pediatric medical devices'' is being circulated among some Senators for discussion. After reviewing this bill, Respironics believes that the changes contemplated by this bill could help improve the availability of medical devices for children. Therefore, Respironics supports enactment of the bill.

We hope that you will join Respironics in supporting this important legislation.

Sincerely,

DAVID P. WHITE, M.D.,
Chief Medical Officer.

BREAS MEDICAL AB,
Mölnlycke, Sweden, August 17, 2006.

Hon. CHRISTOPHER J. DODD,
Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS DODD AND DEWINE: On behalf of Breas Medical, I would like to thank you for your efforts to expand the availability of medical devices for children. We appreciate your long-standing leadership on behalf of children and welcome your interest in ensuring that they are not left behind when it comes to critical medical advances. Our devices were developed in Europe and are available for home use in the pediatric population there. We have partnered with companies in the United States, including Sleep Services of America, and now have FDA approval for device use in adults. We are seeking approval for the use of our devices in children where there is a great need.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably. Cutting-edge research and revolutionary technologies have led to the development of many innovative medical products, however, very few are designed specifically for children. We support your efforts to address the barriers to pediatric device development through legislation, particularly in the following areas:

1. Improving the ability of the Food and Drug Administration (FDA) to track how many and what types of devices are approved for children each year;

2. Streamlining pediatric device approvals by allowing the extrapolation of adult data to support pediatric indications, as appropriate;

3. Encouraging device manufacturers to create products for conditions that affect small numbers of children by removing existing restrictions on profit;

4. Improving federal support for pediatric device development by creating a coordinated research agenda and establishing a contact point at the National Institutes of Health to help innovators access existing funding;

5. Improving pediatric device availability by establishing demonstration grants to promote pediatric device development, including connecting inventors and manufacturers, product identification, prototype development, and testing; and

6. Improving post-market safety of pediatric devices by allowing FDA to call for postmarket pediatric studies, establishing a publicly accessible database of postmarket studies, and giving FDA the ability to require studies longer than 3 years if needed to answer longer-term pediatric questions.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you toward passage of legislation to improve children's access to medical devices.

Sincerely,

ULF JÖNSSON,
President.

SELEON, INC.,
Baltimore, MD, September 23, 2006.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DEWINE: On behalf of Seleon Inc., I want to encourage you to continue your efforts to improve access to medical therapies for children by introducing the bill, ''to improve the process for the development of needed pediatric medical devices'' this fall.

Seleon Inc., a medical device manufacturing company, strongly supports this bill. Thank you for your ongoing support of children's health and this important issue.

Sincerely,

MICHAEL LAUK, Ph.D.,
President.

ELIZABETH GLASER PEDIATRIC
AIDS, FOUNDATION,
Washington, DC, April 17, 2007.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.
Hon. MICHAEL B. ENZI,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, ENZI, DODD AND CLINTON: As organizations working to ensure better health care for the nation's children, we write to thank you for your long-standing commitment to children's health and to express our support for legislation to reauthorize the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA) and to improve children's access to safe medical devices. We are very pleased that BPCA and PREA reauthorization language and S. 830, the Pediatric Medical Device Safety and Improvement Act, have been included in the Chairman's mark of S. 1082, the ''Food and Drug Administration Revitalization Act,'' for consideration by the Senate Health, Education, Labor and Pensions Committee tomorrow.

Over the past decade, Congress has enacted bipartisan legislation that has dramatically increased the number of drugs tested and labeled for children. The results from BPCA are extraordinary—over 336 requests have been generated for over 780 pediatric studies, resulting in over 115 new drug labels for children. Senator Dodd's BPCA reauthorization language strengthens this very successful existing program in several important ways, including ensuring prompt label changes, requiring that all study protocols and results be made public, improving adverse events reporting for children, and identifying and addressing important gaps in treatments for children's diseases. In addition, the BPCA language includes a reasoned approach to address the small percentage of drugs for which the exclusivity provision has far exceeded the incentive it was intended to provide pharmaceutical companies.

S. 993, the Pediatric Research Improvement Act (PRIA), introduced by Senator Clinton and included in the Chairman's mark, reauthorizes the Pediatric Research Equity Act of 2003 (PREA), which requires drug manufacturers to test their products for use in children. This law ensures that children are not a therapeutic afterthought and has generated impressive and invaluable safety and dosing information for children. Since the 2003 passage of PREA, 55 drugs have new or improved pediatric labeling. These drugs range from treatment of ear infections to the prevention of rejection of organ transplants. S. 993 places children on equal therapeutic footing with adults by creating the presumption that medicines coming onto the market for illnesses and conditions that occur in children will be labeled for pediatric use and be available in formulations (e.g., liquids, chewable tablets) that children can take.

The Pediatric Medical Device Safety and Improvement Act of 2007 provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults, many essential medical devices used extensively by pediatricians are not designed or sized for children. According to pediatricians, the development of new medical devices suitable for children's smaller and growing bodies can lag 5–10 years behind those for adults. S. 830 improves incentives for devices for small markets—while still preserving the ability to ensure the safety of new products once on the market. It provides assistance to innovators, streamlines regulatory processes and elevates pediatric device issues at the Food and Drug Administration (FDA) and the National Institutes of Health.

Despite our support for the Chairman's mark, we are disappointed that a key provision to make PRIA permanent has been omitted. As this legislation moves to the floor of the Senate, we urge you to restore the permanent authority of the FDA to ensure that children have properly studied medications as a matter of fact, not chance.

We are grateful for your long-standing leadership and commitment to improving the health of our nation's children and look forward to working with you toward swift

Committee action and passage of these pediatric therapeutic bills by the full Senate.

Sincerely,

American Academy of Pediatrics.

Elizabeth Glaser Pediatric AIDS Foundation.

AIDS Alliance for Children, Youth & Families.

American Academy of Child and Adolescent Psychiatry.

American Brain Coalition.

American Pediatric Society.

American Psychiatric Association.

American Thoracic Society.

Arthritis Foundation.

Association of Medical School Pediatric Department Chairs.

Children's Cause for Cancer Advocacy.

National Association of Children's Hospitals (N.A.C.H.).

National Organization for Rare Disorders.

National Research Center for Women and Families.

Society for Pediatric Research.

Mr. DODD. Mr. President, let me go back, if I can, to my proposal on the Best Pharmaceuticals for Children Act and the objections raised by my colleague from Colorado to it. Just for the record and so we understand what we are talking about, according to a study recently published in the Journal of the American Medical Association that looked at the costs and benefits of these pediatric trials. It showed that the overwhelming majority of drugs studied under this incentive program are not blockbusters.

In fact, the study found that less than 20 percent were. That leaves 80 percent of drugs completely unaffected by the underlying bill which the Allard amendment seeks to amend. To be clear, the proposal in the underlying bill that would adjust exclusivity from 6 months to 3 months affects less than about 20 percent of drugs studied under this program. Using data from this recent study, 80 percent of drugs studied under BPCA—those which do not fall into the blockbuster category—the 6 months' exclusivity would remain unchanged. It doesn't change that at all; only in cases where there has been over $1 billion in prior year drug sales will the underlying bill change the exclusivity to 3 months.

This is to strike a balance. Obviously, I feel very strongly, having authored this legislation, about ensuring that appropriate clinical trials occur to protect children's health. Our notion was, when we wrote the legislation 10 years ago, that the 6 months of exclusivity would be the carrot that would incentivize the industry to go forward. There were some concerns expressed at the time that 6 months wasn't going to be anywhere near enough and that we would need more exclusivity. Some in the industry suggested a year or even 3 years of exclusivity. We settled on 6 months as the appropriate balance at the time.

What happened, of course, is we had this wonderful explosion of work that occurred. It resulted in nearly 800 clinical trials involving more than 45,000 children, with new pediatric labeling information on more than 119 drugs where previously there was none. I recall the debate on this program ten years ago very well, the industry said: Six months is never going to be enough; none of us will step up to the plate on this. And they really argued very strenuously for something longer than the 6 months. In fact, the 6 months has worked well, and almost all requests issued to drug companies to conduct pediatric trials under this program have been accepted.

What I have had growing concern about is the 20 percent of drugs receiving exclusivity where the profit realized as far exceeded the carrot intended to provide to drug companies. So to strike that balance between the cost to taxpayers and the benefits to children, we are saying that where sales of a drug being studied under this program exceed $1 billion in prior years, the company can get 3 months' exclusivity.

I don't know what the right answer will be on this issue. Neither me nor my colleague from Oklahoma can say with absolute certainty. But I recall the debate 10 years ago when many said 6 months will never be enough. Six months has done very well by the industry, as it turned out.

So by striking this balance and having the sunset provision which I strongly support in this legislation—and I have from the beginning—it will allow us to review periodically how we are doing with all of this.

There is an increase in Federal spending of $50 million over 10 years as a result of the Allard amendment. I can't invoke a point of order because the impact on federal spending is outside our current budget window, but the Allard amendment comes with a $50 million pricetag to taxpayers.

I believe this program is working well. We think by adjusting the length of exclusivity from 6 months to 3 months for a limited number of drugs, we are striking the right balance. The 5-year sunset will give us a chance to assess the program again and make a judgment: How are we doing here? Are we getting more or less of what we thought we would in the process? At that time, we will make a judgment again as to how we ought to go forward.

It is not easy to strike these balances. I know my colleagues who have engaged in these debates, try to come up with answers that will satisfy the various elements and concerns various Members have. That is what Mike DeWine and I did 10 years ago and why I had such a good partner in this where we struck that balance. Mike was under a lot of pressure to have a lot more than 6 months of exclusivity. I was under pressure in saying: Why do we give them any exclusivity? So we compromised on 6 months to see what happened. We got great results.

I would love to predict with absolute certainty that what we craft here will produce those same results. I can't say that absolutely. But based on the analyses of others who have looked at this, their conclusion is this is a pretty healthy balance between consumer interests, taxpayer interests, and the needs of children. We will see what happens over the next 4 or 5 years as to whether this is continuing to produce the desired results. I believe it will. I think we will get that.

Here again, based on recent data, under my proposal, 80 percent of drugs studied under this program will see no change in the exclusivity award of 6 months. Again, for the 20 percent of drugs in the blockbuster category, they can receive 3 months of exclusivity. I still believe many will go forward, given that incentive.

So respectfully I say to my friend from Colorado—we serve on two committees together and we work well together on a lot of issues here. I respect him immensely. I do not question at all his motivations in offering this amendment. This disagreement is over the impact of his language versus the language I have crafted in this legislation as part of the committee print.

So I urge my colleagues to reject the Allard amendment and to stick what with what we put together in the underlying bill. It is a good balance between taxpayer interests, consumer interests, and the interests of children and their families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I understand I have 10 minutes allocated to me. I would like to take 4 minutes and allocate those to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, let me say, as Senator DODD finishes, that nobody has worked more tirelessly than he on behalf of children's health and specifically as it relates to prescription drugs. He did list a long list of people, including taxpayers and so forth.

This is about children, plain and simple. It is one group. It is our children, this country's kids. In 1997, I authored what became the Food and Drug Cosmetic Modernization Act. Prior to that, there weren't any clinical studies done for pediatric purposes. It was on the heels of that that Senator DODD and others created the exclusivity—exclusivity that Senator ALLARD is not changing. What we are changing is in the base bill and going from 6 to 3 months.

The reality is that, prior to the enactment, we didn't have companies that were studying the right dosages, what side effects there were, and whether it was effective in children. Sure, we had it for adults but not for kids. We have made tremendous progress. Under this pediatric exclusivity, though, we would cap it at 3 months. Companies that exceeded a dollar value—we pulled this out of the sky. Why $1 billion and not $2 billion? If it was $2 billion, why not $4 billion? Why not $100,000? The reality is that none of us knows. There is no expert

who can tell us what is the right amount of incentive needed for a company to go through the types of trials to get these indications for kids. Why? Because every drug is different, and, more importantly, every child is different. So if we are going to err, I suggest that we err on the side of what has worked. Eighty-seven percent of all pediatric drugs have pediatric indications. It has been the carrot of 6 months.

Members will come to the floor and vote for or against the Allard amendment. I believe it is crucial that if we err, we err on the side of what already has worked and what continues to work. If Senator DODD prevails, I hope he is right. I hope he is right because we won't know, until this bill sunsets, whether in fact the incentive wasn't great enough for companies to go through this process to find out the indications for children.

The people who will suffer because of our willingness to arbitrarily change will be the kids. That is the same group I started with—the ones we should be solely focused on. It was the kids when this was created 10 years ago; it should be the kids today. If we are going to err, let's err on the side of the kids and not use this as a way to potentially alter the profitability of an industry or a given company. Let's make sure that the true beneficiary of the work of this body is in fact the children of this country.

I thank the Senator from Colorado for yielding me the time.

I yield the floor.

Mr. ALLARD. Mr. President, I join my colleagues in recognizing the fine work that Senator DODD has done in the area of children and children's health. He recognized one decade ago how important it was to have incentives in place for drug companies to properly label drugs so they are available and a physician has some guidance when they are putting therapy out.

I particularly thank Dr. COBURN for bringing a message to the floor that reflects his practical experience, in a period of time when there weren't a lot of drugs specifically labeled for children, to help him establish the proper dosage and to be aware of the side effects that may happen to various age groups. Also, I thank the Senator from North Carolina for his comments.

I think I bring a certain degree of practical experience to this debate as a veterinarian. We are frequently put in a position where we have to recommend drugs for therapy without having had research done. You have to extrapolate what you think might happen. The drug companies will do research on those products on which they can make a profit. I am talking about veterinary prescription drugs right now. There is a plethora of medications available in the human market. Many times, in treating eye conditions or some exotic problem in a species where there isn't much of a market, we have to take the scientific literature that we know, and perhaps we know what the reaction may be in humans or maybe in some other species, where the drug company has done the research to reflect what the adequate dosage is, and we extrapolate that and predict as best we can what the reaction and how effective that drug may be at a certain dosage.

I think our children's health is too valuable to put a physician in a position where they have to make those sorts of subjective evaluations. I happen to believe the incentives we put in place a decade ago are working. That belief is substantiated by people who have looked at the program—the Best Pharmaceuticals for Children Act—and what happened as a result of that. I am not the only one who believes that. We had a study by the GAO, whose responsibility it is to look at programs to see whether they are working. They give this program a strong A. It is working. I don't think we ought to be messing with a program that has worked. Three months may be adequate, but there are a lot of other drugs that we have to still get on the market.

Several years back, during the Reagan administration—and it might have been President Reagan who said it—there was a general belief in Washington that if it is making a profit, let's tax it; if it is working, let's regulate it to death. Here is a program that is working because we have backed off on the rules and regulations. I don't think we ought to be making a decision, in light of the work that has yet to be done in moving pediatric medications to the market, to mess with this. Maybe 10 years from now it might be even more appropriate; I don't know. This is, to a certain degree, subjectivity. I think we have a huge need in making sure we have adequate medications available to treat children.

I agree with many of my colleagues that we should not be messing with a program that works, and we need to support this. I also wish to point out that this doesn't have an impact. There is not a budget point of order on this particular amendment. It doesn't add to the deficit of this country. So it is a program we can move forward on, without increasing the cost to the Federal Government.

I hope my colleagues will join me in supporting this most important amendment because it is very important, it is important to the practitioner who is trying to provide the best care that scientists will allow him to provide to patients—in this case, children. If we don't keep these choices available for the practitioner, then what happens is he doesn't have the options he should have to give the best care to our children?

So for our children's health in the future, I think we need to pass this amendment and go back to current law, which has been working so very well for us today.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we be able to proceed for 2 minutes. I yield myself 1 minute and 1 minute to the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the benefit of the membership, we are having a good, substantive debate this morning. We are going to vote on this amendment in a few minutes.

Because of the meetings of the leadership at the White House, we will not be able to have votes until 4 o'clock this afternoon. That doesn't mean that Senator ENZI and I are not prepared to move ahead in lining up some other amendments. We have that intention.

After this vote, the next vote will be at 4 o'clock. If there are those who have additional amendments, we ask them to come over. We are moving along. We have several items that are almost complete, which we will include. If there are any final amendments, we hope Senators will be in touch.

I thank my friend and colleague from Wyoming for his good cooperation and for making progress on a very important bill for the health and safety of American families.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I, too, encourage people to get their amendments to us, so we can talk about the amendments. The amendment process is a difficult thing around here because it doesn't allow for some of the tweaks noticed by people who have expertise in that area. If we get to talk about them first, sometimes there can be modifications to them before they are put in. We want to move this along and have some things to vote on at 4 o'clock today. I hope everybody will cooperate on it.

I thank Senator KENNEDY and his staff and my staff who have been working together with anybody who has an amendment. They were working at 3 and 4 o'clock this morning on different things, trying to get them ironed out so that it would be possible to move the bill forward.

Mr. President, what's wrong with limiting exclusivity for blockbuster drugs? It is the exact opposite of what we should do. The whole point of the law is to leverage the large adult market for the benefit of the smaller kids' market. The effect of the cap will be to discourage companies from studying the effects of the most-widely used drugs on kids. Seventy-five percent of the drugs are not being studied under the current incentive. We need more studied, not less.

Are not companies only studying blockbuster drugs that make the most money, not the drugs needed most in kids? No. According to a Tufts University study, only about 10 percent of drugs with pediatric exclusivity are blockbusters. GAO says most products obtaining exclusivity have annual sales of less than $200 million.

Do companies get to choose the drugs they study? What is to stop companies

from ''cherry picking'' to make money, not help kids? No drug is eligible for pediatric exclusivity unless FDA requests, in writing, a pediatric study of the drug. FDA's decision is based on whether more information about safety and efficacy for children is necessary.

Doesn't the Duke/JAMA study demonstrate that 6 months of additional exclusivity is a windfall? It's been said that a cynic is someone who knows the cost of everything, and the value of nothing. That applies here. The Duke/JAMA study concluded that the financial benefit of exclusivity for blockbuster drugs often exceeded the cost of the pediatric study. This completely misses the point. This law is not about micromanaging drug company profits. It's about helping kids. In fact, the very last sentence of the study reads: ''Clearly, however, the greatest return of the exclusivity program is the benefit derived in obtaining new information relevant and applicable to the care of children, and this benefit should not be compromised.''

Companies can spend only a few million dollars on a study and get many millions in return. Shouldn't the reward be equal to the amount spent on studies? The incentive is designed to raise the priority of pediatric studies among all the competing research priorities for drug development within companies. Just covering the cost of the studies will not do it—the drug company knows it can put those same dollars into the development of a drug for adults that will earn much higher profits. Incentives work by making pediatric study more attractive than other studies for drug companies.

Aren't windfall profits unfair? No. The benefits to kids, and to society in general, from pediatric studies far outweighs the cost.

What are workability issues with the exclusivity cap? FDA says the cap has ''serious workability issues.'' It is unclear how FDA will obtain the right type of sale data or how the data's accuracy can be verified. FDA would spend lots of time litigating the validity of exclusivity decisions, and less time making drugs safe for kids.

Why shouldn't we restrict excessive drug company profit? The problem is not excessive profits. The problem is that most drugs aren't tested for kids. It is wrong to play the politics of drug pricing at the expense of kids.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—41

Alexander	DeMint	Martinez
Allard	Dole	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Corker	Inhofe	Thomas
Cornyn	Isakson	Voinovich
Craig	Kyl	Warner
Crapo	Lugar	

NAYS—53

Akaka	Feinstein	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Collins	Lincoln	Thune
Conrad	Lott	Vitter
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Nelson (FL)	

NOT VOTING—6

Biden	Domenici	McCain
Brownback	Johnson	Murray

The amendment (No. 982) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 990

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I offered an amendment yesterday that a number of my colleagues have spoken on, both in favor and against. When I laid down the amendment yesterday, I did not speak on it, so I wish to take some time to describe what the amendment is, why it is important, and why those who have spoken against it are wrong.

Let me describe, first of all, what the amendment is about, and let me do it, if I might, by asking unanimous consent that I be allowed to show on the floor of the Senate two bottles of medicine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, these two bottles of medicine contain Lipitor. Most people know about Lipitor. It is a cholesterol-lowering drug. This particular prescription drug is produced in Ireland, and it is sent from that production point, in a plant, by the way, that is approved by our Food and Drug Administration. We inspect that plant, as we do others. So they produce an FDA-approved drug—this drug has been approved—in a plant in Ireland that has been inspected by the FDA. These two bottles of medicine containing Lipitor, 20 milligrams, identical bottles with a difference in color, are sent to two different places in this case but sent to many places around the world. This one is sent to the United States to be sold to consumers in the United States that want to lower their cholesterol. This one is sent to consumers in Canada for those Canadians who wish to take Lipitor to lower their cholesterol.

There is a difference. Oh, not in the medicine, not in the bottle, and not in the instruction. What is the difference? The American consumer is told: You have to pay twice as much. Let me say that again. The difference is the price. The Canadian consumer is told: You pay half the price. The American consumer is told: You pay double the price.

Now, I use the Lipitor as an example only to describe a very significant problem. We have price controls on prescription drugs in this country. Those price controls are not established by the Government. They are not established by the Congress. These price controls are imposed by the pharmaceutical industry.

I have a problem with the pharmaceutical industry saying to the American consumer: We have a deal for you; we want you to pay the highest prices in the world for prescription drugs. We are going to sell them all over the world: Italy, Japan, Germany, France, China. We are going to sell our prescription drugs, and in almost every circumstance, in other countries, we are going to give them a lower price. But to you consumers in the United States, we say: You pay the highest prices.

Let me give you a couple of examples, and I will use Canada, but I could be using any number of countries around the world. Lipitor. We pay 96 percent more. Plavix, 46 percent more. Prevacid, 97 percent more than if you were to buy it in Canada. Zoloft, 52 percent more. It goes on and on.

I said yesterday that I actually sat on a bale of straw on a farm talking to a bunch of folks, and there was a fellow in his 80s sitting on a straw bale talking about life and things, and he said: You know, Mr. Senator, my wife has been fighting breast cancer for 3 years. Every 3 months, we have driven to Canada to buy Tamoxifen because we save 80 percent by buying Tamoxifen to help my wife fight her breast cancer—we save 80 percent by buying it in Canada. So every 3 months, for 3 years, we have been driving back and forth to Canada because it is the only way we can afford that drug. He said: How do you justify that? How do you explain the

difference in price? I said: I can't. It doesn't make any sense to me.

I don't come here to be critical of the pharmaceutical industry, I come here to be critical of their pricing policy. Their pricing policies are unfair to the American consumer. Yes, the pharmaceutical industry produces miracle drugs; a fair amount of them are produced with research we pay for through the American taxpayer at the National Institutes of Health. Others are produced with the research and development done by the drug industry themselves. But I would say that miracle drugs offer no miracles to those who can't afford to buy them, and that is the point.

What is fair pricing for pharmaceutical drugs, and why is it so unfair at this point to the American people? I introduced a piece of legislation with many of my colleagues, and let me read a list of the bipartisan cosponsors, Republicans and Democrats, who sponsored the legislation that we introduced in this Congress, the very legislation I have now offered as an amendment to this bill. Let me go through a list of some of the names. Myself, Senator SNOWE, Senator KENNEDY, Senators STABENOW, BINGAMAN, FEINSTEIN, NELSON, KOHL, SCHUMER, INOUYE, BROWN, SANDERS, Senators GRASSLEY, MCCAIN, SPECTER, COLLINS, DURBIN, PRYOR, LEVIN, LEAHY, TESTER, CONRAD, MCCASKILL, JOHNSON, CASEY, BOXER, SALAZAR, CLINTON, LINCOLN, FEINGOLD. Thirty-three sponsors for this legislation that I have offered as an amendment here today.

Let me now begin to describe a few of the opponents' arguments and then respond to them. My colleague, Senator COCHRAN, came out and offered an amendment that says in order for this to be effective, the Secretary would have to certify that it poses no additional risk to the public health and safety. Well, that is an amendment that is designed to kill the bill because the Health and Human Services Secretary will not certify to anything.

Does anyone think the Health and Human Services Secretary or the FDA or anybody is going to certify that the chicken feed served to 3 million chickens with contaminated material from China, which now goes into our food source that humans are eating in this country today, that poses a risk? Or how about we say that we want them to certify that the vegetables imported into this country from Mexico pose no additional risk? Does anyone think anybody is going to certify to that? Do you, really?

I could go on at great length. Does anybody know of any circumstance in which any part of our food supply is certified by anybody saying that the import of this poses no additional risk? No. So this is an amendment designed to make this inoperative.

What my amendment does is actually make our drug supply safer with respect to the importation. Because the fact is people are now going back and forth across the border, those who can get there by car. Most Americans can't, but most are bringing prescription drugs back across the border for a 3-month supply. This makes that even safer.

I am going to go through a number of the safety areas here, but first let me say this. I understand that the pharmaceutical industry wants to continue its pricing policies. I understand that. It is perfectly understandable. I have some differences with them.

In the morning, perhaps while you are brushing your teeth or shaving, getting ready for work, you might turn on the television and what do you hear them saying on television? They say, well, you need to go talk to your doctor. You are brushing your teeth and thinking, why on Earth should I go talk to my doctor? Because the television advertisement says that you need to see if the little purple pill is right for you. You need to ask your doctor whether you ought to take the purple pill. I don't know what the purple pill is, but you get this urge that you think, maybe I should go ask somebody. If everybody is taking the purple pill, maybe I should find out if the purple pill is right for me. Maybe it is right for my colleague from Wyoming or West Virginia. Maybe we all ought to be taking the purple pill. I don't know.

If they ever describe what the purple pill does, they also have to then describe what the potential risks might be of the pill. But in most cases, the TV just says, go talk to your doctor to see if it is right for you. So we have a lot of advertising going on, and we dramatically increase the use of prescription drugs. Go talk to any doctor and ask them if patients are coming to them and telling them what kind of prescription medication they want to take because they heard it on television. Go ask a doctor, and I tell you what the doctor will say. Absolutely.

Of course, these are medicines that you can only get because a doctor has said you need them and, therefore, I prescribe them. Television advertising is creating a demand. I am not here with an amendment on television advertising, but I am observing that every morning they ask whether the purple pill, or whatever other medicine they are talking about, is right for you and that you ought to be visiting with your doctor about it.

In addition to the issue of demand, there is the issue of pricing. I don't know. Somebody doesn't have to give me five reasons or three reasons or even two reasons. I want somebody to give me one reason, just one, that says we think it is perfectly defensible that the American people ought to be charged the highest prices for prescription drugs. Or in the specific case I mentioned, we think it is perfectly defensible that the American consumer taking Lipitor ought to be charged twice as much as the Canadian consumer. Give me one reason. I am not asking for five, just one reason. I can't believe there is one person on the floor of this Senate that has the ability to construct one thoughtful reason in support of that policy.

Let me put in the RECORD a letter the AARP has written yesterday. Let me read a little bit of it:

> On behalf of the AARP's more than 38 million members, we urge you to support the Dorgan-Snowe importation amendment. This amendment provides for the safe, legal importation of lower price prescription drugs from abroad.
>
> In the quest for lower-priced prescription drugs, many Americans are already importing prescription drugs from abroad. [The Dorgan-Snowe] amendment would create a framework for the safe, legal importation of prescription drugs that will better protect the health and pocketbooks of those desperate for lower-priced prescription drugs. We are also very pleased to see that the [Dorgan-Snowe] amendment includes a number of safety requirements including inspections and measures to prevent the counterfeiting of imported drugs.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
April 30, 2007.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: AARP is pleased to endorse your importation amendment to S. 1028, the Prescription Drug User Fee Amendments of 2007. Your amendment will provide for the safe, legal importation of lower-priced prescription drugs from abroad. We applaud your continued leadership on this important measure to help reduce prescription drug costs.

Brand name prescription drug prices continue to rise at unsustainable rates. AARP's latest Rx Watchdog report released in March 2007 found that manufacturers' prices for nearly 200 of the brand-name medications most commonly used by older Americans rose 6.2 percent in 2006—nearly twice the 3.2 percent rate of general inflation. These prescription drug price increases particularly burden the tens of millions of Americans who lack access to affordable prescription drug coverage.

In the quest for lower-priced prescription drugs, many Americans are already importing prescription drugs from abroad. Your amendment would create a framework for the safe, legal importation of prescription drugs that will better protect the health and pocketbooks of those desperate for lower priced prescription drugs. We are also very pleased to see that your amendment includes a number of safety requirements including inspections and measures to prevent the counterfeiting of imported drugs.

We believe the phase-in set forth in your amendment will enable better management of those important new activities. It is important that any importation system begin with Canada. However, ultimately in order to be sustainable, any importation system would have to go beyond Canada. Finally, no importation system could function if entities (particularly pharmaceutical manufacturers) were allowed to shut off or manipulate supply of their product. Your amendment grants the Federal Trade Commission the authority to prevent such abuse.

We understand that there may be attempts to limit consumers' ability to import prescription drugs by attaching a certification

requirement to your amendment. AARP believes that your amendment strikes the right balance between providing a workable system of importation while at the same time ensuring the safety of imported pharmaceuticals. Thus, we believe that any amendment that would require Administrative certification in any form would be nothing more than an attempt to prohibit the implementation of an importation system. We oppose such a change to your amendment.

As you know, our members widely support legislation that would allow for the safe, legal importation of prescription drugs. They have expressed strong interest in knowing how their elected officials vote on key issues that affect older Americans. As part of our ongoing effort to let our members know of action taken on key issues, we will be informing them how their Senators vote on your amendment when it comes to the Senate floor.

We look forward to working with you and your colleagues on both sides of the aisle to enact this needed legislation. If you have any further questions, please feel free to contact me, or have your staff contact Anna Schwamlein Howard of our Federal Affairs staff at 202–434–3770.

Sincerely,

WILLIAM D. NOVELLI,
Chief Executive Officer.

Mr. DORGAN. It is interesting to me that those who have spoken against this come to the floor of the Senate with the specter of counterfeiting. Counterfeiting exists at this point. My amendment will make it less likely. This puts in place the very safety features and the very capability to try to shut that down. But if they are talking about counterfeiting that is existing now, it is existing without these kind of safety precautions on importation.

Let me describe a man, a very courageous man named Dr. Peter Rost. He came to testify at a hearing we held on the subject of reimportation. Peter Rost was responsible for a region in northern Europe where they did this routinely. They had an approach in Europe called parallel trading. If you are in Germany and want to buy a prescription drug in France, that is not a problem. If you are in Italy and want to buy a prescription drug in Spain, that is not a problem. They have done this for a couple of decades. Dr. Peter Rost was in charge of a region in northern Europe. He said:

I never once—not once—heard the drug industry, regulatory agencies, the government or anyone else saying that this practice was unsafe. And personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

This from Dr. Rost. He actually paid a price for speaking out and speaking the truth. He actually was working for Pfizer Pharmaceuticals at the time. He has had a little problem with his employer, but that is another story perhaps for another day. But Dr. Rost said it right, in my judgment.

Let me, if I might, show this quote from Tommy Thompson, former Health and Human Services Secretary. He says:

The law is this: In order to import drugs from any country, and especially Canada, I have to certify that all those drugs are safe. That's an impossible thing. If Congress wants to import drugs, they should take that provision out, because the Secretary of Health and Human Services cannot certify that all drugs coming into America are safe.

Let me tell you something about Tommy Thompson. I like Tommy Thompson. He was a Governor from Wisconsin. That's a guy with spirit. I kind of like him. In fact, I think he is thinking about running for President. I probably will not vote for him because I am going to vote for a Democrat in this coming election, but I like Tommy Thompson. Do you know what he said to me at the elevator, right outside this Senate door after he left Health and Human Services? He was getting off the elevator as I was coming on the elevator, and I had been down to see him about this issue of reimportation of prescription drugs. I said: Secretary Thompson, why don't you work with us to get this done?

He said: I can't.

He explained there are lots of things going on, including the White House makes the call on this policy, et cetera. At any rate, after he left as Secretary of HHS, he was coming off an elevator out here and I was getting on the elevator. We said hello. I like him. I think he was a good Secretary.

He turned around and said to me: BYRON, he said, keep going on that imported drug issue. You are right about that. You are right about that.

That is after he left office. He comes from Wisconsin. He knows. That is a State that borders Canada. He knows his constituents are able to just go miles up into Canada and seek prescription drugs for a fraction of the price.

Let me respond for a moment to this issue of safety because my colleague from Mississippi and others have spoken about it. David Kessler, he served for 8 years as FDA Commissioner. He is a terrific public servant. In my judgment, there has been none better than Dr. Kessler over at the FDA. Here is what he said:

[The Dorgan-Snowe bill] provides a sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of importers and exporters to assure that imported drugs meet those standards and are not counterfeit.

Let me make one with respect to this. A couple of my colleagues stood on the floor and said: Well, you would create a giant bureaucracy in order to do this. That is interesting. The Congressional Budget Office actually scored this bill we have introduced. Do you know what the score was? This will save $50 billion in a 10-year period.

Mr. BYRD. With a ''b''?

Mr. DORGAN. With a ''b,'' $50 billion; just over $5 billion of that savings is to the Federal Government; just about $45 billion of that savings is to the American consumer. Is that an illusion? No, that is the score we have.

We come to the floor of the Senate and the question is asked: Whom do you stand for? Whom do you stand with? Some will say: You know what, we believe—they will not say that. I do not believe they will stand and say: We believe the current surprising strategy is right, by which Americans are charged the highest price. I don't think they will say that. I think what they will see is we think there are serious safety issues with this.

Let me again refer back to the expert who would perhaps know more about this than any other American. I have heard things read on the floor of the Senate by the assistant this or the assistant that. The last assistant we had come over to a hearing I held had not even read the bill. That is some assistant. At any rate, we don't have to worry about assistants. Let's worry about Dr. David Kessler, who I think is the preeminent authority. He said we can do this; we can do this, and it will make the drug supply in this country safer.

I wish to talk about the issue of safety. It is not as if prescription drugs are not coming into this country from other countries. They, of course, are. Our pharmaceutical industry, and others, manufacture all over the world and then they ship these drugs into our country to be sold here. But there is a law that prohibits anyone other than the manufacturer to ship them in. Lipitor is made in Dublin, Ireland; Nexium is made in France; Tricor is made in France; Actos is made in Japan; Vytorin is made in Singapore and Italy and the United Kingdom. Those are pills made elsewhere, the medicines are made there and they are shipped here. Are they safe? Sure. I believe they are safe. I believe we have an enormously safe drug supply, despite the fright that is discussed on the floor of the Senate about counterfeiting.

Is counterfeiting an issue? Sure, it is. It has nothing to do with this subject. Counterfeiting exists now and we have to take action and steps to fight it and we should fight it aggressively. But the fact is, this legislation that we introduce has a range of safety features that will guarantee the safety of FDA-approved prescription drugs that are imported into this country.

First of all, we provide that only FDA-approved medicines with a ''chain of custody'' will be sent into this country. Dr. Mark McClellan, who used to head the FDA, and I was very critical of him because he continued to speak as if he represented the pharmaceutical industry instead of regulating it as head of the FDA, he and I had substantial differences, but even he said the chain of custody in Canada is safe, almost identical to the chain of custody for prescription drugs in the United States.

If that is the case, and he said it, then tell me with respect to this risk,

I go to a little one-room drug store in Emerson, Canada, with a woman named ''Sylvia'' and a number of other senior citizens. We take a little bus up to a one-room drugstore in Emerson, Canada, and they bring their prescriptions.

That drug store has a licensed pharmacist, as the drug store a few miles south of the border has, a licensed pharmacist and a chain of custody from the drug manufacturer to the wholesaler to the retailer to the drug store. We go to that drug store and Sylvia and her friends buy prescription drugs at a fraction of the price they would have bought it in Fargo, ND, that morning. Tell me, is there a risk in that transaction? The answer is no. Don't represent there is because there is not.

The chain of custody is nearly identical. I am speaking now of Canada. Tell me there is a risk and you are wrong, there is not.

All the protestation on the floor of the Senate on this issue is protestation in support of the pharmaceutical industry. I like the industry. I have been helpful to them. I support research and development tax credits to find new prescription drugs. I have done a number of things to say I want us to be able to have a successful pharmaceutical industry in this country. But I am not willing to go so far as to say it is OK to me, I will be quiet if you decide the pricing strategy is we are going to price our prescription drugs at the highest prices for the American consumer. I will not sit in this chair and say it is fine with me. It is not, and that ought not be fine for any Member of the Senate. It should not.

Mr. BYRD. No. No.

Mr. DORGAN. Let me make some comments on safety. One-quarter of the prescription drugs taken in this country are produced outside this country in foreign manufacturing plants. In the last 5 years, the FDA has inspected more than 850 foreign drug factories in 41 different countries. The drug industry wants to take advantage of the global economy to manufacture their drugs in lower cost countries, but they do not want a licensed U.S. pharmacist and drug wholesalers to be able to take advantage of the global economy to get the best price for the American consumer.

Let me say that again. The pharmaceutical industry wants to take advantage of the global economy for the purpose of their manufacture and profitability, but they do not want a licensed U.S. pharmacist or licensed wholesaler to be able to access those same drugs from a licensed wholesaler or pharmacist in another country in order to pass along lower prices to the American consumer. I do not think that is right.

We have addressed all the issues that have been raised by two former Secretaries of Health and Human Services, saying in order for me to certify, we need to have this and that. We have addressed those safety issues in this legislation. Yet if you listen to the opponents who stand on the floor of the Senate with the talking points, there are safety and security issues and all these issues—I mean I have gotten the talking points, too, from the pharmaceutical industry. Heck, if I were in their position, I would want to keep this situation as long as possible. You have a good deal, don't give it up.

But one of my colleagues yesterday, speaking on the floor, said: The people who are offering this amendment—and again this amendment goes from Senator KENNEDY to Senator MCCAIN to Senator GRASSLEY to Senator STABENOW back and forth, Republicans and Democrats. One Senator, one of my colleagues, stood up and said there are political motives.

I said I hope you don't mean that, and I hope you will withdraw that. This is a thoughtful serious debate. There are plenty of people who feel strongly in opposition to my amendment. Fine. But then you should stand and debate the proposition that you support. We support the current situation. We support the circumstance in which a pricing policy that prices the prescription drugs higher for the U.S. consumer is already with us. That ought to be the proposition you stand and support.

You ought not stand and say there are significant safety issues here because that is not the case. It is not.

There is much to say, and a number of my colleagues will continue to debate this issue. My own view is this is a hard issue to get passed on the floor of the Senate. I say that having had some experience with it.

I must say I admire the pharmaceutical industry. They have been tough opponents. They feel strongly about their profitability. They say a couple of things. No. 1, this is unsafe. It is not. No. 2, it would somehow exacerbate counterfeiting. It will not. Counterfeiting now exists. We need to address that, but this would in many ways make the supply of drugs safer. They say a number of other things they believe—that this would cause the American people to change their buying habits in ways that would be unhelpful to them. They believe you do not have a chain of custody that you can control or see that is transparent. That is not true.

You know, I mentioned earlier about this issue of the industry itself. I want the pharmaceutical industry to succeed. They succeeded. This has been a very successful industry. They have made a great deal of money. But on this issue of research and development, I want them to engage in research and development. We are doing it here in the public sector of the NIH. We turn that material over to the pharmaceutical industry. They do research and development. Good for them. They spend a massive amount of money on promotion and development. I think that is of some concern for a number of people, but I am not here saying I do not want the pharmaceutical industry to succeed. There are those who also say, in addition to safety and other issues, they will say, all right, if you do not allow a pricing policy that prices prescription drugs at the highest level for the American consumer, it will mean less research and development by the pharmaceutical industry.

The fact is, more research and development has gone on in other countries in which they charged lower prices for the same prescription drugs. So how does that hold water? It does not. My hope is, at long last, perhaps, this Senate will stand up for the interests of the American consumer. At long last, we can put to bed these specious arguments about safety because they are not applicable. Read the bill. These arguments about safety are not accurate. Let's put to bed this connection between counterfeiting. It is not accurate. Let's also stop talking about how this would shut off research and development. That is not accurate.

Let's talk about what this bill would do, what this piece of legislation, this amendment we have now offered is. It would save about $50 billion over 10 years, $5 billion a year. It would probably require the drug industry to reprice for sure because, the fact is, if they are pricing at the highest levels to the American people, and they say that is the only way they can recover their costs, perhaps others ought to be paying more to recover costs. I don't know. I am saying that the industry, I believe the top seven U.S. pharmaceutical companies, a couple of years ago made $34 billion together. The industry has done very well. But there are a whole lot of folks in this country who haven't.

It was about 9:30 one night in a tiny town north of Highway 2 in North Dakota. I had a town meeting. At the end of the town meeting, an older woman came up to me, and she was probably in her early eighties. She said: Mr. Senator, may I speak to you? I said: Sure. She grabbed my elbow with her hand. She began to speak. Her eyes welled up with tears and her chin began to quiver. She said: I am in my eighties. I don't have much money. She said: I have got heart disease and diabetes. My doctor prescribes medicines for me that are too expensive. I cannot afford them. Is there any way you can help me, Mr. Senator? Is there a way you can help me?

This woman, with tears in her eyes, was asking: Is there someone who can help me manage this disease of mine because I cannot afford these medicines?

We have taken steps to try to be helpful. I might say that some in the drug industry have taken steps by offering programs to low-income people. It is not enough. But I commend those who have and recognize it. But we should not have to do that in this country. We should not have the highest prices for prescription drugs. We should not have an 80-year-old woman driving

to Canada to pay four-fifths less in cost for Tamoxifen to treat her breast cancer. That should not happen.

So let's do this. Let's create a regime of safety—which we have done. Wonder about it? Go talk to Dr. David Kessler. You find a better expert, you tell me his name. We have created a regime of safety here that will work. Then let us decide to proceed, as Europe has done, as others have done, to allow the global marketplace to work for real people, to work for ordinary folks, not only the big interests. The big interests always do well. At the end of the day, when all of the dust settles, and all of the shouting is over, guess who almost always wins. Yes: Them that's got is them that gets and I ain't got nothing lately. I think that was Ray Charles.

Isn't that always the case? When the dust settles, the big interests always win. Let's hope when the dust settles here tomorrow morning, and we have a vote on something that is important, is something that will help a lot of American people, millions, tens of millions, hundreds of millions, let's hope when the dust settles here, ordinary Americans will say, you know what. We won today in the Senate. Hallelujah, we won a vote in the Senate. Let's hope that is the case tomorrow morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, there is not much I can add to the brilliant remarks made by Senator DORGAN. I think he, in a very comprehensive manner, made clear why the Senate and this country should move to prescription drug reimportation. I think he very ably answered the objections that we know are sure to come and made the case as well as could be made.

I want to touch on some personal reflections on this issue. Some years ago, as the Congressman then from the State of Vermont—and I live an hour and a half away from the Canadian border. My State borders Canada. Some years ago, I put together what, in fact, turns out to be the very first bus trip to take constituents over the Canadian border to buy low-cost prescription drugs.

All of us have days which are transformative where something happens we will never forget, and that is the day I will never forget. On that day we took a busload of Vermonters, mostly women, many of the women struggling with breast cancer. We went from St. Albans, VT, to Montreal, Canada. I will never forget the look on the faces of those women who were struggling for their lives when they bought breast cancer medicine at 10 percent of the cost they were paying in the State of Vermont. The drug was Tamoxifen, a widely prescribed drug for those people who are struggling with breast cancer.

These women walked in fighting for their lives, many of whom did not have a lot of money. They walked in there and they could not believe, literally could not believe, the cost of that medicine which they needed to keep them alive. At that moment some years ago—it may well have changed since then—the cost was one-tenth what it was in the United States of America.

The question is a very simple question: How do you have a drug manufactured by a company, manufactured in the same factory, put in the same bottles, sold in Canada, in some cases for one-tenth the price that same medicine is sold in the United States of America? How possibly can that happen?

Now, as it occurs, I am not a great fan of unfettered free trade. I have very serious concerns about what our trade policy is doing in terms of throwing American workers out on the street, moving plants to China and other low-wage countries. But I am always amazed that on the floor of Congress, when it comes to representing the interests of multinational corporations, people are always speaking about how great unfettered free trade is; it is not a problem; American workers going down the street; workers in China paid 30 cents an hour. That is okay. That is part of globalization.

Well, why isn't it part of globalization that prescription drug distributors and pharmacists can pick up FDA safety-approved medicine at a fraction of the price they are currently forced to pay, and lower the cost of prescription drugs in this country very substantially? Why is that not a process of globalization that every Member of the Senate should be supporting?

We should not kid ourselves as to what this debate is about. I think most Americans understand that large multinational corporations have enormous power over the Congress. You have big oil running up recordbreaking profits, receiving tax breaks and corporate welfare. You have credit card companies with tremendous power over what goes on in Congress, able to charge Americans 25, 28 percent usurious interest rates. You have insurance companies blocking national health care efforts so all of our American people can have health care as a right of citizenship. But at the top of the list of powerful, greedy special interests, at the top of that list, that very impressive list, stands the pharmaceutical industry. They are at the top.

So when you talk about powerful interests, look at the pharmaceutical industry and the impact and the power they have in terms of what goes on here in Congress. Since 1998, the pharmaceutical industry has spent over $900 million on lobbying activities; $900 million since 1998. That is more than any other industry in the United States of America.

It is hard to believe, but there are now over 1,200 prescription drug lobbyists right here in America, many of them right here on Capitol Hill. That amounts to more than two lobbyists for every Member of the House and the Senate. They have us well covered. These people are paid top dollar as lobbyists. These are former leaders of the Republican Party, former leaders of the Democratic Party.

Let me tell you, they are hard at work today. They will be hard at work tomorrow. What they have done successfully, year after year after year, is when an effort comes up in the House and an effort comes up in the Senate, they descend like locusts into the offices of Members of Congress and say: Don't vote for change. Keep the status quo alive. Make sure the American people continue to pay the highest prices for medicine in the entire world.

Since 2000—I don't know if you are supposed to talk about these things on the floor of the Senate. I will. Since the year 2000, the pharmaceutical companies have contributed almost $250 million in campaign contributions. Let me repeat that. Since the year 2000, the pharmaceutical companies have contributed almost $250 million in campaign contributions.

What this debate is about is not just whether we are going to lower the cost of medicine in this country and save billions and billions of dollars for the consumers of our country, for people with acute and chronic illnesses, for our seniors; it is also about whether the Congress of the United States is, in fact, prepared to stand up to the most powerful, the greediest special interest in the United States of America.

In my view, the time is long overdue for us to begin to make some fundamental changes in our prescription drug policies in this country. The time is long overdue for us to lower the price of medicine for our people, which not only will help people, of course, pay for their prescription drugs, it will lower the entire cost of health care in the United States.

We spend far more money per capita on health care than does any other country on Earth. If we lower the cost of prescription drugs, we will have an impact on that.

Tomorrow I will be speaking at greater length on this issue, but I think the arguments are so clear that prescription drug reimportation makes sense. The idea, as Senator DORGAN has mentioned, that somehow we can import tomatoes and lettuce from farms in Mexico and in Latin America, that is okay, but we cannot reimport prescription drugs from Canada with FDA regulations, that is impossible, makes sense to nobody at all. Food coming in from China, no problem; FDA-regulated prescription drugs coming from Canada, oh, my word, it can't be done. Give me a break. Of course, it can be done.

What this issue is about is not drug safety. What this issue is about is the profits of the pharmaceutical industry and the enormous power they have over Congress. Now is the time for us to say to the drug companies: You have dominated what goes on year after year after year. You, in the drug industry, wrote the prescription drug Medicare bill. You have resisted year after year every effort to reform how we price medicine in the United States.

Maybe the year 2007 might be the moment in which Members of Congress have the courage to stand up and say enough is enough. Let's support the men and women and children, the seniors of our country. Let's lower the cost of prescription drugs. Let's pass prescription drug reimportation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, thank God for BERNIE SANDERS, the Senator from Vermont. Thank God. Sail on, brother.

I thank the Chair.

Mr. SANDERS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I will have a lot more comments on this bill at a later time. In light of the comments by the Senator from North Dakota about the importance of reading the bill, I wasn't sure that I had read the most recent copy of it. I think I have the most recent copy of it now. It is a fascinating 140 pages that is being attached to our 300-page drug safety bill. The reason I am checking it is because in the past we have noticed some strong implications for safety problems with drug importation, and I want to make sure we are not opening the door for even more safety problems. I had hoped that the bill on safety wouldn't have to get into the safety of imported drugs, but I can see that is not the direction we are going. I am more than happy to address it.

I am fascinated by the discussion today because the people who normally are talking about free trade are now talking about some restrictions. That would be my side of the aisle. Those who normally rail at any kind of opening of the market to anyplace outside of the United States are the ones who are supporting this bill. It is kind of a reversal of situations.

I have heard the Senator from North Dakota talk about the way the Canadian Government is subsidizing the grain in that country and how that gives them an unfair advantage in the United States market and how we have to be sure that doesn't happen. Yes, the Canadian Government subsidizes. Yes, the Canadian Government gives an unfair advantage to their citizens. On drugs, the Canadians do some interesting things, too. They are a very small, limited market compared to the United States.

Sometimes in business when you are trying to price things, you say: I could pick up a little bit more in the market if I changed my price a little bit. But I am only willing to go after the fringe in order to do that. That is kind of what has happened in Canada. Canada has made it a little more difficult for the drug companies because they say: We are going to negotiate the price. I love that word ''negotiate.'' Normally that means there is a little give and take on both sides and some advantages that are picked up on both sides in order for the outcome that is derived.

In terms of pharmaceuticals, usually ''negotiation'' is the code word for ''price fixing.'' That is what they have done in Canada. They have fixed the price. If you want to be able to sell your drug up there, they will tell you what bid you better come in at and they are willing to have various pharmaceuticals bid against each other for the right to enter that fringe market, a small portion of what is in the United States but a potential customer. If you can cover your costs and pick up a few more sales, perhaps you can increase profits. It is a little accounting trick, but it happens. But they negotiate the price.

There are five drugs for heart that do similar things. They make the five drugs for heart bid against each other. That means one or two of them will win the bid. If your doctor prescribed one of the other three in Canada, you are out of luck. The decision by the doctor is taken away because you will get a good price on the pharmaceutical that may not be quite right for you, but it will be cheaper than what you could have gotten. That is not the way we work it in the United States. We try to have competition between all of the different products and hope that brings the price down.

There is some positive indication that it does bring the price down. We have the Medicare plan D. When they did the calculations on how much that was going to cost, it was considerably higher than what it actually came in at when there was competition among the providers, who in some cases represent more people than Medicare or Medicaid or the veterans and negotiate prices, but they negotiate realizing that we are forcing them to provide all of the pharmaceuticals, not just one or two out of five. If they are providing a plan, they have to provide for the prescription drugs.

When I was doing hearings across Wyoming, I had a little surprise almost at every meeting that I had to explain Medicare Part D. That was somebody saying: I can't get the prescriptions I really want. I was doing all of this promotion before Part D even went into effect. So I knew something was wrong with that kind of a response. It occurred to me that maybe those were veterans. We negotiate the price on drugs for veterans. That means when the Government is doing it, they have to say: You know, I don't think your price is low enough so we are just not going to make that available to our people.

Did you know that a whole bunch of veterans are taking prescriptions under plan D because they can't get what they want under veterans? It is an interesting situation. When you negotiate these things, you change some of the dynamics and you do not make everything available. I don't think we in the United States are going to settle for just having some, although if we can tap the cheap one in Canada where they fix the price, that will lend an advantage to people in the United States. I am ready to admit that. I am ready to admit if we didn't have restrictions on ethanol and subsidies in this country, we would bring in a whole bunch of ethanol from Brazil. But we are going to protect the ethanol. Again, it is a different group of people who are talking about that than are talking about drug importation.

Let me get back to drug importation because that is important. The Senator from North Dakota several times—in fact, all the time—used to say ''where are all the dead Canadians'' when he was talking about safety. That is what my colleague from North Dakota used to come down to the Senate floor and say when he was talking about importation. He always asked that question. It may have escaped the notice of those of us in this body that he didn't ask that question anywhere in yesterday's debate or today's debate. Why not? Because two summers ago, five people in Hamilton, Ontario, died from taking counterfeit Norvasc. Norvasc is a blood pressure drug taken by millions upon millions of people who rely on it for their health and well-being. Since so many people take it, it is a target for counterfeiters looking to make a quick buck. I know he did say that counterfeiting is going to happen anyway. Probably. It happens in virtually every industry, and there are some countries that actually specialize in it. But imagine opening an opportunity for counterfeiters, an opportunity for them.

In the portions of the bill I have gotten through already, I know there are some pretty tight restrictions on who can be an exporter and who can be an importer and how packages will be labeled and all of those sorts of things. It is a marvelous effort to try to tighten it up so that what you buy is what you think you are getting. But how many of us, when the program was to first start, would know what to look for or even who to order from in order to be sure the drugs we are getting are safe? How do you do that? It is a tremendous opportunity for counterfeiters. We already have a problem with counterfeiters. There is no way you can write off the counterfeit argument.

I ask unanimous consent that I be able to show some three-dimensional objects on the Senate floor, the same as the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I will leave this on the desk so people can take a look at it. This is the Norvasc product with which the Canadians had a problem. It killed people. I want Members to take a look at the packaging. I have the external packaging. I have the internal packaging. I have the pills themselves. I challenge anybody to see the difference. We are going to put some special labels on anything that gets shipped into the country. I am sure nobody would ever be able to counterfeit any labels that were coming into the

country. It just couldn't happen. There are now dead Canadians, and it saddens me to say that I believe there will be even more. These unfortunate individuals got their fake pills from a brick-and-mortar pharmacy. If that is what is happening when you buy drugs in person in Canada, who knows what you might get when ordering from a Web site that says it is in Canada but could really be based anywhere in the world.

In fact, some of the drugs that have been intercepted by the FDA have come through Canada but actually were from Saudi Arabia. Communication worldwide is transparent these days. Whom you think you are ordering from is not always whom you are ordering from. Right now that practice is referred to as hiding the maple leaf.

I would like to invite my colleagues to visit with me when I am finished my remarks. I have these pills I would like them to take a look at. There are other examples, too.

So anybody who holds up two bottles and says, this one is this and this one is this, they can't be sure if the one that is being imported is really from the country they are talking about. It has to be a concern. That has to be tightened up. There have to be some ways people can really tell.

There is also a difference between whether you are importing for an individual or you are importing for a pharmacy. If you are importing for a pharmacy and they get a counterfeit load, it is not just one person who dies. It is the whole community, everybody who is taking that medication. So there needs to be some concern with these things.

As I said earlier, we all want to have affordable drugs. We would like to bring down the cost of medicine every way that we possibly can. But a counterfeit or tainted drug is unsafe at any price.

I want to add another thing on the counterfeit drugs. You can take the pills and you can grind them up and do a chemical analysis of one pill against the other, and they will come out identical. Now, part of the problem is the way you put these together to make them dissolve properly so what you need in your bloodstream gets into your bloodstream.

A number of the imported drugs that have been confiscated are shown they will not even dissolve. If you take a pill, and it goes completely through your whole system, you could die. It is a serious problem. It looks good, it even checks out good, but there are processes for putting these things together.

From my brief reading of the bill, I am also worried about some of the biologic information that may be in there that could be imported as well.

The Food and Drug Administration Revitalization Act is about restoring the trust of the American people in the FDA. That is where it belongs. We should have a lot of concern.

There is an amendment that is going to come up everybody is working on right now to make sure it would work, and it talks about some increased safety with food. Now, food, some of it, such as tomato packaging, is pretty well there. It is not put in another container. It is hard to fake. But there can be problems. We had problems with spinach in this country. We have a big problem with pet food right now, and it is because of China.

China—how much do you trust them with your drugs? We have been trusting them with our pet food, and they are killing our pets. It took a little thing called melamine that increases the protein count in the food. It does not increase the protein, it just increases the protein count. It makes it look like a much richer food than it is. Unfortunately, it kills. Unfortunately, they have not just been using it in pet food; they have it in their regular food chain, and children—young children—got it, and the children died. When they checked on it, they found out they died of starvation, even though they had what should have been a good protein diet. There was a little melamine in it, and it was starvation rather than poisoning.

But if they do that to food products, how much would we worry about drug products that come in from there? I know there are some limitations on where they can come from, but if they get into the European Union, there does not appear to be any constraint on it then, and it could be transferred on over to the United States. So throwing our borders open to drug importation would, instead, falsely place trust in criminals trafficking in illegal pharmaceuticals.

I think the American people deserve better. I hope we do not make this move at this point in time, and that we constrain the bill to those things we know will add safety to our pharmaceuticals and medical devices and things for children in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join with the ranking member of the HELP Committee—the Health, Education, Labor, and Pensions Committee—in raising the concerns and agreeing with the concerns he has raised about the reimportation proposal which has come forward from the Senator from North Dakota, which has been debated on this floor a number of times.

The issue, of course, is the safety and efficacy of products which Americans buy. The FDA has been given the responsibility and has executed that responsibility extraordinarily well to make sure when an American citizen buys a pharmaceutical product or a medication, it is what it says it is and it does what the doctor prescribes.

If you start buying medications internationally, you are in the position where you have no capacity for the FDA to monitor that purchase. So the drug may be represented to be an FDA-approved drug, but it could easily not be. In fact, case after case has been discovered of adulterated and changed medication coming into this country under the representation the medication which is being purchased is medication which has been approved by the FDA. So you are basically opening up a massive loophole in the area of safety for the American citizenry.

Now, the demand for this comes from the cost of the drugs. People want to be able to go across the border to Canada, which is obviously a very sophisticated nation, and buy a pharmaceutical product there, which costs significantly less than the same pharmaceutical product may cost in the United States. That is a natural instinct of the market economy and of people. But critical to this exercise, of course, is the ability to get a safe drug.

If you go across the border, and you buy a pharmaceutical product which is alleged to be one thing, and it turns out to be another thing, the damage it causes you is going to be economically much more significant than the savings which you may have accomplished by purchasing that drug across the border.

Also, it should be noted that with the Part D pharmaceutical program which we now have relative to Medicare, the pressure—because pharmaceutical products are now insured and people receive them under the insurance plan as created under the Part D program, which has been an extraordinary success to supplying pharmaceuticals, though its cost remains extraordinarily expensive for the next generation of Americans—but pharmaceutical products are now available under an insurance program to most American seniors, and, as a result, if you are a senior, one of the people most likely to use a large number of drugs, and most often are on a fixed income and have problems purchasing drugs as a result of the fixed income situation—those issues were addressed by Part D to a large degree relative to the senior purchasing drugs; and it did create the ancillary problem of creating a huge cost which has to be borne by the next generation—but relative to the supplying of drugs, the pressure which was forcing people to take the chance of purchasing a drug internationally has been relieved to some degree, significantly in the area of senior citizens.

I proposed language which would create a safe pharmaceutical approach, where you would create an Internet pharmacy approach, where you would create a regime under the FDA where people could go on the Internet and buy pharmaceutical products knowing they have been approved by the FDA.

Today, unfortunately, that is not the case. If you go on the Internet, and you purchase something through a pharmaceutical firm off the Internet, you do not know whether that product—even though it may be represented to be FDA-approved—is FDA-approved because there is no way to certify the

site you are purchasing from is an FDA-approved supplier.

So this reimportation bill is essentially going to create an atmosphere where those Internet pharmacies are going to become basically the ''wild west'' of supplying drugs in this country, and you are going to see people going on to these Internet pharmacy sites and purchasing drugs they think are being represented as an American-approved drug that has been reimported—and is at a lower price—but may actually be a totally adulterated drug which will do significant harm to you.

We have seen instances of that already—dramatic instances. Case after case has been reported of people being significantly harmed and in some instances dying as a result of buying pharmaceuticals off the Internet that turned out not to be what they were represented to be from international sites.

So at a minimum, this reimportation proposal, which has received significant support in the past because it has a motherhood name on it—even though it might be actually creating significant problems for children and for other people in this country as a result of the risk it puts people at—at a minimum, this proposal should be subject to creating some sort of a regime where FDA has the ability to monitor and to approve and to make available to the public the knowledge that Internet pharmaceutical sites have been approved by the FDA. That is what my amendment does. It tries to address that.

So we should not move forward precipitously in the way that is proposed by the Senator from North Dakota. We should not be supporting this simply because it has a nice name on it and because he can hold up two bottles which are the same drug but costs differently in a managed economy in Canada and a market economy here in the United States. We should, rather, set up a structure where FDA can be sure that when you buy that pharmaceutical product through an Internet site that is international or from a Canadian pharmacy, that you are getting what they claim you are getting, so when you take that drug, you benefit from it and are not harmed by it.

This all, however, gets to a bigger issue. Probably, there is not time right now to go into it in depth. But the bigger issue is, where do pharmaceutical products come from? Where do all these amazing products, the biologic products that are saving lives in this country and are creating such a much better lifestyle come from? Remember, they do not come from trees, and they are not grown in North Dakota in the sugar beet fields. They are developed through processes which involve years—years of investigation and research.

The average pharmaceutical product in this country takes 12 years and $800 million to bring to the market. Think about that: 12 years and $800 million before you can produce a product Americans can take. That is a pharmaceutical product. If you are getting in the biologics area, which is a much more complicated area, it takes even longer. It is even more complex, and in many instances it is even more expensive.

It is these products that are changing the life expectancy of people and making the quality of life of people so much better. We have basically gone from a medical regime in this Nation where invasive action was always the first call, was always the first event, where you basically went under the surgical knife, to a regime where you are given pharmaceuticals or biologics to try to address a very serious illness. It is a huge step, an exponential step in the direction of better health care and a better lifestyle for Americans and for the world.

Where are these products developed? Well, they are developed here in the United States. Why are they developed here in the United States? Why are almost all the major pharmaceutical breakthroughs and all the biologic breakthroughs coming in the United States? Because we have a market system which allows people to take the risks to develop those products.

We do not fix prices, as they do in Canada or in England, at a rate that is so low that nobody would be willing to invest in developing that product because the return on that investment is too low. We allow people who make the investment, who take the risk, who put the 12 years in, who invest $800 million, to get a reasonable return on their investment and on their effort. As a result, we have the explosion in advances in technology, in medical technology, in biologics, and in pharmaceuticals.

It is a result of the fact that people who want to take that risk, and who have the ability to pursue that type of opportunity to make life better for people by creating these pharmaceutical products and these biologic products, have the capacity to get resources to do it. It is called capital markets.

Now, capital does not flow for goodwill. People do not invest in things because it makes them feel good, in most instances. People invest where they are going to get the best return on the dollars they invest, or a reasonable return on the dollars they invest. So we have to maintain an atmosphere in this country where people are willing to put money—cash, capital resources—into the investment and research and development of pharmaceutical and biological and device products.

But if you listen to the other side of the aisle, almost every proposal they come forward with seems to be of the view that these products are grown in some wheatfield in North Dakota, that they do not take any effort, that they do not require any capital, they do not require any expertise, research, or time. All they require is to be price fixed, to be limited in their ability to be distributed relative to the price that is charged.

Time and again, the other side of the aisle has come forward with proposals which basically undermine the incentive for capital to flow into these research areas. Believe me, if capital is disincentivized from going into these areas because they do not get a reasonable return, they will go somewhere else—they will go into developing software, into gaming, into whatever it is that happens to give them a reasonable return, into investing in some other country's activities in some area.

Capital does not flow out of goodwill into pharmaceutical production, into biologic production, into device production. It flows into those accounts because they expect a reasonable return.

Now, sure, the countries of Canada, England, and the European common market, to some degree, are living off of the fact that we give people a reasonable return on our pharmaceuticals and biologics in this country. That is absolutely true, and it is reasonably disgraceful. In fact, in Canada, they threaten to take people's patents away if they don't—they basically capture American patents if they don't sell these drugs at a price which nobody would have invested in them in the first place to produce them were the price fixed at that level. But that is their policy.

Now, we could subscribe to that policy, which is what the other side of the aisle wants us to do. They proposed it in Medicare negotiations, they proposed it now and passed it here in the child drug review. They proposed it in this reimportation, and they proposed it in the negotiated language relative to Medicare, and in biologic generics. In all of these areas they are basically saying: Well, drugs must appear in the marketplace. We don't have to be concerned with the fact of getting capital into the investment exercise. We don't have to be concerned with the fact that it takes years and years to research these products and hundreds of millions of dollars to bring them to the market, they just appear. We can basically, for lack of a better term, kill the goose that is laying the drug or the biologic or the pharmaceutical or the device that is saving people and not worry about it.

Well, that is not true. If you were to follow all of the proposals from the other side of the aisle, or even a significant amount of them, we would see investment in this area start to dry up. We would see a contraction of the production of pharmaceuticals that save lives, of biologics that save lives, of devices that save lives. We would see fewer and fewer of those coming to the American people and to the world because people wouldn't invest in that activity any longer, or the investments would be significantly curtailed because money would flow in other directions.

This concept of the marketplace totally escapes the other side of the aisle. This concept that drugs have to actually have some flow of capital behind them to be produced because it takes so long to get them to the market, and it takes so much money to actually research them—and that is especially true in biologics and equally true in devices. It totally escapes the other side of the aisle. Their idea is, we have a good line, we have a motherhood statement, let's let people go buy the drugs somewhere else at a price that is fixed at which nobody would have ever produced the drug in the first place if that was the price. Let's negotiate so we have a regime of price setting at the Federal level, which basically eliminates the capacity for that drug to be competitive.

Let's create a biologic generic which basically wipes out the capacity of the true biologic to actually come to the market and be successful. Let's create an atmosphere where testing on children of the drugs will basically not have a fiscal return which will make it worthwhile to test them on children. Let's do all of those things in the name of the motherhood language of getting a better price for drugs for Americans, ignoring the fact that what you are actually going to end up doing is dramatically limiting the number of drugs coming to the market for Americans, and therefore significantly impacting the quality of life of Americans and our ability to advance the dramatic and revolutionary activity that we are seeing in bringing biologics to the marketplace, which are basically curing and have the potential to cure diseases which have been extraordinarily threatening to the American population for so long.

It makes no sense, if you look at the substance of the issue, what they are proposing. It is totally inconsistent. They are saying they are doing this to help people. What they are actually ending up doing is harming not only the people of today who won't be able to get the drugs because they won't be produced but people in the future because the drugs won't be brought to the market. There is a blindness to the fact that market forces are at work. I guess it is just a function of the fact that you want to get out a good press release, so you are going to send it out. Of course, anybody who takes the position I just outlined is immediately demagogued, and the pejorative tool of the drug industry is thrown out there.

Well, I am hardly that, since I was one of the few people in this Chamber who actually aggressively opposed and tried to stop the Medicare Part D Program, which was the biggest windfall the drug industry ever got and which was voted for by many of my colleagues on the other side of the aisle and which ended up putting an $8 trillion bill which is unpaid for onto our children's future.

More importantly, the reason I take the position I take is because I believe very strongly that America should not give up its lead in one of the industries where it is at the cutting edge and where it is producing jobs and where it is producing the intellectual capital that is going to keep us a vibrant, strong economy. In addition, we should not give up an industry or undermine an industry and geniuses and creative individuals who are producing products which are saving lives and are giving people a better livelihood. So I am not going to sign on to these various jingoistic proposals which are brought to the floor for the purposes of putting out good press releases about how I did this or that for motherhood at the expense of undermining the quality of care for future generations by basically limiting dramatically the ability of people to get capital who want to be creative, who want to invest, and who want to do research in the area of producing biologic products, pharmaceutical products, and medical devices.

That is why I take the position I take, to say nothing of the fact that if you start haphazardly importing products from the Internet and from countries such as Canada, as strong as Canada is, without any FDA oversight or approval of those products, you are going to harm a lot of people at the end of the day. A lot of people are going to be hurt, and some people are going to die as a result of buying products which have not gone through FDA approval and which are not subject to FDA oversight because they are bought from a pharmacy or a provider in Canada, and that product may have come out of India or it may have come out of Afghanistan. It may have come out of Pakistan. It may be adulterated, and it may kill. The same can be said by a factor of 10 relative to purchasing on Internet pharmacies.

So there are some big issues at play. There are big issues at play relative to the future of the health of Americans on the issue of importation, on the issue of negotiation and Medicare, on the issue of biologic generics, and on the issue of making sure that children are adequately tested relative to the application of drugs which are brought to the market. There are big issues relative to safety and big issues relative to whether this country remains on the cutting edge of producing products that help people and give them a better lifestyle with a biological, pharmaceutical, or medical device. We shouldn't just pass these proposals willy-nilly for the sake of putting out a nice press release.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1018

Mr. DEMINT. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1018.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the notification provision with respect to drugs deemed to have risk evaluation and mitigation strategies)

In section 214(b)(3)(B) of the bill, insert '', except with respect to the drug Mifeprex (mifepristone), such assessment shall be submitted 6 months after the applicant is so notified'' before the period at the end.

Mr. DEMINT. Mr. President, my amendment calls for the Food and Drug Administration to conduct an assessment of the risk evaluation and mitigation strategy, which we refer to as REMS, for Mifeprex, commonly known as RU–486, within 7 months of the effective date of this legislation.

According to the legislation before us, any drug that is currently on the market with restrictions on its distribution or use, which includes RU–486, would be required to have a risk evaluation and mitigation strategy. This means that RU–486 would be subject to periodic assessment of how well the risk management plan, including its restrictions, is working. Unfortunately, the bill does not establish a deadline for the risk evaluation for RU–486.

The current RU–486 abortion regimen was approved by the Food and Drug Administration in September of 2000. Since that time, the regimen has been linked to the deaths of seven women, including three Americans. The public has learned since November of 2004, through the release of documents by the FDA through a Freedom of Information Act request, that over 1,000 additional women have experienced adverse effects from the RU–486 regimen, including 9 life-threatening incidences, 232 hospitalizations, 116 blood transfusions, and 88 cases of infection. It should be noted this dangerous drug is attacking young, healthy women.

I also want to point out the approval process for RU–486 was highly irregular in the first place. The drug regimen was approved under FDA subpart H, which is a regulation that applies to certain new drugs used for treating serious or life-threatening illnesses. While certain conditions may arise during pregnancy that are dangerous, pregnancy itself is hardly a serious or life-threatening illness.

The RU–486 regimen actually requires the use of two drugs: RU–486, which kills the child, and misoprostol,

which causes the uterus to expel the dead baby. G.D. Searle, the manufacturer of misoprostol, never sought to have its drug approved by the FDA for abortions. Nevertheless, the FDA, in what appears to be an unprecedented decision, mandated that misoprostol be used for unapproved ''off-label'' use in an abortion regimen along with RU–486.

Finally, the FDA approved the RU–486 regimen based on data submitted from clinical trials in which there was no control group comparison. This directly violates Federal law and appears to be unprecedented as well.

In my opinion, the FDA has not done enough to curb the use of this deadly drug, and for far too long the FDA has put politics ahead of science and ahead of women's health. When the Clinton administration expedited the approval process for RU–486 in the final days of its tenure, many medical professionals expressed serious concerns about the FDA's rush to bring RU–486 to market. Since then, the statistics have proven these concerns to be well-founded.

The legislation we are considering today has everything to do with drug safety. Yet we have a drug on the market that has killed several women and injured many others. My amendment simply sets a 7-month deadline for the FDA to assess the risk evaluation and mitigation strategy for RU–486. Given all the adverse events associated with this drug, this is the least we can do.

This is not an abortion issue, it is a women's health issue. Even those who support abortion agree there are serious problems with this drug. Let me read several quotes from abortion supporters which were part of a New York Times story that ran last year: ''None of these women should be dying; it's shocking,'' said Dr. Peter Bours, an abortion provider in Portland, OR, who is rethinking whether to offer pill-based or medical abortions.

Dr. Warren Hern, an abortion provider in Denver, said the latest reports demonstrated that abortions by RU–486, or Mifeprex, were far riskier than the surgical ones. ''I think surgery should be the procedure of choice,'' Dr. Hern said. ''Pills,'' he said, ''are a lousy way to perform an abortion.''

I quote again from another source: ''The complications associated with RU–486 far exceed the complications of surgical abortion,'' said Dr. Damon Stutes. He is an abortion provider in Reno, NV. He refuses to offer pill-based abortions.

Dr. Stutes, whose clinic has been bombed, said he was uneasy about agreeing with abortion proponents on anything. But the truth is the truth, he said.

Another quote:

> One needs to tell patients that the medical procedure, even though it seems more natural, may be more likely to result in death.

That is Dr. Phillip G. Stubblefield, a professor of obstetrics and gynecology at Boston University.

It is clear that even the supporters of abortion believe this drug is dangerous. It also appears that even the leader of the abortion industry—Planned Parenthood—supports actions by the FDA to further examine the safety of the drug. Dr. Vanessa Cullins, vice president for Medical Affairs at Planned Parenthood, told the San Francisco Chronicle:

> We are glad there will be continuing investigations by the FDA. We will work with the CDC, the FDA, and academicians to figure this out.

The FDA needs to quickly complete its risk evaluation on RU–486. That is what my amendment guarantees. I urge my colleagues to support it. I understand that Senator KENNEDY will accept a voice vote on this. I look forward to supporting it, along with all of my colleagues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

AMENDMENT NO. 990

Mr. DORGAN. Mr. President, I have listened to some of the debate on the floor of the Senate in opposition to the amendment I have offered with many colleagues dealing with the reimportation of prescription drugs. Especially entertaining was to hear the Senator from New Hampshire, Mr. GREGG, describe North Dakota wheatfields. The Senate is a place of fascinating and interesting debate. I expect we will have more of that in the coming hours, leading up to a vote tomorrow on a cloture motion on this amendment.

The continued and insistent reference to this amendment posing safety risks, or risks of unsafe prescription drugs, is at odds with everything we know to be the case. I described Dr. David Kessler, and I suggested if anybody knows a more important, better informed expert than Dr. David Kessler, who was head of the FDA for nearly 8 years, tell me his or her name. I described the statement that Dr. David Kessler made that says this will make the prescription drug supply safer. In fact, the regime of safety we have put into this amendment is appropriate, important, and will mean that we will be able to allow reimportation without a safety risk.

Despite the evidence, we continue to hear this issue. I was thinking, as I was listening to this a while ago, about the Lincoln-Douglas debates, when Lincoln became enormously exasperated at one point and he said to Douglas: Tell me, how many legs does a horse have?

Douglas said: Well, four, of course.

Lincoln said: Now, if you were to call the tail of a horse a leg, then how many legs would a horse have?

Douglas said: Well, five.

Lincoln said: You see, that is where you are wrong. Just because you call the tail a leg doesn't make it a leg at all.

The same principle holds true now on the floor of the Senate. You can say what you want, but that doesn't make it true. Safety issues? That doesn't exist in the amendment we are talking about. This will make the drug supply safer. While I am speaking of Lincoln and Douglas, let me say something else that Lincoln said, which has always been interesting to me. He was describing his opponent's arguments. He said: Your argument is as thin as the homeopathic soup made from boiling the shadow of a pigeon that has been starved to death.

Wasn't Abraham Lincoln wonderful? That description can still exist for some of the arguments we are hearing these days on some of these issues.

I hope my colleague was not serious a few moments ago when he said this is an amendment that is not worthy and is put out by a bunch of people who want to put out press releases and aren't concerned about the safety of the drug supply. My colleague surely doesn't mean to say that Senators GRASSLEY, MCCAIN, SNOWE, and COLLINS on his side and Senators KENNEDY, STABENOW, BROWN, and so many on our side—the 33 Senators who have come to a serious issue with a thoughtful proposal—did so because they want a press release. My colleague knows better than that. He perhaps ought to tell the Senate he knows better than that.

I respect those who disagree with this amendment. I hope they will respect as well our determination to correct something we see as a serious problem. When my colleague says we don't want to give up our lead, describing our lead in pharmaceuticals and the development of prescription drugs, I don't want to give that up. Let me tell you another lead we don't want to give up; that is, the lead in providing the highest prices in the world to the American consumer who needs prescription drugs. That is a lead we ought to relinquish right now. I wonder if my colleague would agree with that.

Mr. President, this is an interesting debate, a useful debate. It will conclude tomorrow with the vote. My colleague from Michigan, Senator STABENOW, has gone across the bridge that connects our two countries, taken busloads of senior citizens and has been involved in this issue for many years, believing that we ought to insist on fair pricing for prescription drugs for the American people. I am pleased that she was one of the people who helped put together the bill introduced by 33 Senators, and I am pleased that she is a strong advocate for the amendment that we have added to this piece of underlying legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise to support the amendment we have put together, led by the Senator from North Dakota. I thank him for his passionate leadership and advocacy and the way he is able to speak in very commonsense terms about what this is all about. What we are talking about is common sense. We are talking about whether we have the most competition

that will allow the best price for people related to their medicine. I also am looking around for Senator BROWN, who is also here to speak. I thank him publicly for his help on another amendment that relates to competition and closing patent loopholes relating to generic drugs. I thank him again. Senator BROWN has been a wonderful advocate on these issues.

I find it so interesting whenever we hear that we cannot lower the price of prescription drugs without losing research. Let me comment on that first. Here is what is happening today as it relates to the development of new medicine. We all want that. We all want that, those of us who supported overwhelmingly, the 63 Members of the Senate who voted for stem cell research to provide new lifesaving research and tools for our researchers. We came together and said, yes, we want new lifesaving research.

That is not what this debate is about. The debate is about whether there is going to be a closed market to folks who get to set the price without competition or whether there will be competition so people can afford to buy medicine. The reality is that our structure is such right now, as it relates to the way we bring drugs to market, that you start with basic research, of which last year $29 billion was paid for by the American taxpayer—$29 billion. Now, the industry then added another $39 billion, according to the PhARMA Web site. They are allowed to write off their research as a business expense, or take an additional amount—the R&D tax credit on top of that to write off their research. So the taxpayers are paying, it is fair to say, the majority of what it costs in basic research right now for new lifesaving medicine.

Personally, I am willing to do that because I think it is incredibly important. It is in our public interest. Having all of us together as taxpayers invest in the National Institutes of Health and other lifesaving research makes sense to me. After we do that, we allow the companies to take that information and research and begin to develop medicine. That is fine, too. We then allow up to a 20-year patent, so that the company that does this development can recoup their costs without the same kind of competition from a generic company, another kind of company. So we give them a privileged status. We cover their costs, after we as taxpayers have helped them or may have fully funded the research done in the beginning. So we go through all this, and all that I ask on behalf of the people of Michigan and all I think we are asking for is, when they get done with the patent, people be able to afford to buy the medicine and that we have the kind of competition that allows that to happen.

One piece is to make sure patents are not extended beyond 20 years unfairly by manipulation. I will have an amendment that deals with closing some loopholes. The other is to make sure we open our borders to allow our pharmacies, our hospitals, our medical schools, all those who are providing prescription drugs to consumers, to be able to purchase those and get the best price.

In Michigan, it may be from Michigan or it may be from Ohio or Wisconsin, but it may be 5 minutes across the bridge in Canada. In fact, Mr. President, that is what we find 5 minutes across the bridge. I have had a lot of opportunities to put seniors on buses to go to a pharmacy in Canada to see the fact that you are looking at 30-, 40-, 50-percent cheaper prices. I think of my sister-in-law when I say this. She was diagnosed with breast cancer, and thank God is doing well and has recovered. But when I look at the drug Tamoxifen that many breast cancer patients are required to take, or are asked to take, in Michigan, the last time I looked, it was about $360 a month for that medicine. Five minutes across the bridge, it is $60. That is a huge difference. That is a huge difference in somebody's ability to get the treatment they need for breast cancer. That can be replayed over and over again as it relates to medicine.

Now, what is also interesting is that prescription drugs are being brought across the border every day legally by the companies themselves. Lipitor, which was developed in Michigan—and I am proud of that—is manufactured in Ireland. They bring it back. There is no argument about safety when they are bringing it back. We have, right now, around the world, from Slovakia to China to India, medications that are being brought into this country by the companies themselves, under safe conditions.

Our legislation puts into place safety requirements that will allow the same thing to happen if it is a wholesaler, a pharmacy doing business with another pharmacy. There is no rocket science here. The very same safety provisions can be put into place. We also know that, in doing that, it is important to put that language directly into this bill. It is important. We have put in there a chain-of-custody requirement to ensure that drugs are handled not only by authorized persons but shipments must use anticounterfeiting technology to assure the products' integrity.

We do a number of things that relate to registering with the FDA and agreeing to strict requirements to ensure safety. But those requirements are not all in the bill. Why is that? Because we know that in the past we have seen—we see again now—a second-degree amendment to say that citizens cannot get the best price, and pharmacies cannot do business with pharmacies across the border, unless the Secretary certifies safety. And we know that for whatever political reasons, that has not happened over the years. That is actually current law.

To get beyond the politics of this, we have worked on a bipartisan basis, with wonderful bipartisan support, to actually put the safety provisions that are required into the bill so the certification by the Secretary is not necessary.

We have had legislation passed by the Senate with wonderful bipartisan support in the last few years on related issues that involve reimportation. Last July, 68 Senators voted for an amendment to prohibit U.S. Customs and Border Protection from stopping individuals from importing FDA-approved drugs—individual reimportation.

I thank Senator VITTER for his leadership. I have been pleased to work with him on this issue of individuals being able to import medicines for themselves. Senator VITTER and I also worked together to make sure trade agreements cannot be used as a backdoor way to stop reimportation of cheaper prescription drugs into this country.

We are already on record as supporting this effort to lower prescription drug prices and create competition. It is my hope that, once again, in this bill we will reaffirm that we support the FDA creating safety regimens—we know they exist—to be able to bring medicine safely into the United States from other countries, and we will no longer allow a group—it is the only group I know that is able to stop trade at the border. Everyone talks about free and open trade, and yet in Michigan you can bring auto supplies back and forth every day, you can bring all kinds of agricultural products, you can bring anything back and forth across the border except medicine, except prescription drugs, unless you are a drug company. Drug companies can, but if you are somebody trying to make sure you get the lowest possible prices to consumers through a pharmacy, a hospital, medical school, or other businesses, you are not allowed to do it. It doesn't make any sense.

I believe we need to take off this protectionism which has been in place for years which has put consumers and businesspeople, frankly, into a situation where they are paying higher prices for medicine than they should.

This is not about research. I conclude by saying that according to SEC filings, 2½ times more is spent on marketing and advertising brand-name prescription drugs in the United States than is spent on research. This is not about research. We as taxpayers are leading the way on funding research, and we all support doing that. This is about competition versus protectionism and whether consumers will get the very best price for lifesaving medicine.

I urge the adoption of our amendment.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

AMENDMENT NO. 1018

Mr. BROWN. Mr. President, I understand there is no further debate with respect to the pending amendment No.

1018, so I ask that the amendment be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

Mr. BROWN. Mr. President, amendment No. 1018 is the DeMint amendment.

Mr. COBURN. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 1018) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. LEAHY. Mr. President, will the Senator from Iowa yield to me for 1 minute?

Mr. GRASSLEY. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

(The remarks of Mr. LEAHY are printed in today's RECORD under ''Morning Business.'')

Mr. LEAHY. Mr. President, I thank my dear friend from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

AMENDMENT NO. 990

Mr. GRASSLEY. Mr. President, I am a cosponsor of Senator DORGAN's amendment called the Pharmaceutical Market Access and Drug Safety Act. We want to add the provisions on the importation of drugs to this measure. Obviously, I support that effort. That legislation is the result of a collaborative effort by this Senator, Senator DORGAN, Senator SNOWE, and Senator KENNEDY to finally make drug importation legal in this country. This is one effort which I hope the new Democratic Congress can finally get passed because last time, my own party did not want to see this passed, even though I worked hard to get that done.

Now is the time for us to make this happen. This is a golden opportunity this year to get it done. I think we are well on the way to getting it done.

I have been a longtime proponent of drug importation. In the years 2000, 2002, and 2003, I supported amendments permitting importation of prescription drugs from one country—Canada.

In 2004, Senator KENNEDY and I worked together on a bill that would authorize drug importation, but it did not survive the partisan politics of that year.

I then introduced my own drug importation bill in 2004 with the number S. 2307. After introducing my bill, I began working in conjunction with the efforts of Senator DORGAN, Senator SNOWE, and Senator KENNEDY. So in this provision before us, we combined our efforts so that we could all get behind the same bill and have a better chance of getting it passed. Of course, that is where we are, working together this very minute.

Making it legal for Americans to import their prescription drugs is a top priority at the grassroots level, as it shows up in my 99 town meetings I have every year in each of our 99 counties, and I have been doing that for 26 years. So I think I have a feel for what the grassroots of my State wants Congress to hear.

This is one issue about which I constantly hear, although I am probably hearing it a little bit less now that we have the Part D provisions of the Medicare bill because for people who couldn't afford drugs, who maybe relied on imports or at least drugs from other countries, they are able to get them a little better through the subsidization under the Part D Program. But I still hear about this issue, and that is why I am still working to get it passed. So this needs to be a top priority in Washington as it is at the grassroots of America.

I have long advocated allowing American consumers access to safe drugs from other countries, but I have not looked at this solely or even most importantly as a health issue. I have looked at it more often as a free-trade issue. Imports of any kind coming into our country create competition and keep domestic industry of all segments of our economy more responsive to the consumer, giving the consumer what they want at a price they are willing to pay and a quality they care about.

In the United States, we seem to import anything that the consumer wants to buy in America, but we don't do it for pharmaceuticals. So why not, with this legislation, do for pharmaceuticals what we do for everything else American consumers want to buy? That is what breaking down the barriers to trade is all about. That is where our country has been for 50 years, breaking down barriers to trade around the world. Yet we keep this barrier up. Consumers in the United States then pay far more for prescription drugs than those in other countries.

If Americans could legally and safely access prescription drugs outside the United States, then drug companies would be forced to reevaluate pricing strategies. More competition would have an impact. They would no longer be able to gouge the American consumer by making them pay more than a fair share of the higher costs of research and development, which is a resource we need for research and development, but why should just the American consumers pay for that?

It is true that pharmaceutical companies do not like the idea of opening up America to the global marketplace. They want to keep the United States closed to other markets in order to charge higher prices here. However, with this amendment, prescription drug companies will be forced to be competitive and establish fair prices in America.

The drug companies will try to find, of course, loopholes to protect their bottom line, but I think our amendment is comprehensive enough to keep that action illegal. It would not allow, for instance, manufacturers to discriminate against registered exporters or importers. It would prohibit drug companies from engaging in any activities to restrict, to prohibit, or to delay the importation of a qualifying drug. The amendment would give the Federal Trade Commission the authority to prevent this kind of possible abuse of the system.

I also understand that there will be an attempt to kill this amendment, as it has been, I believe, in the years 2000, 2002, and 2003, by an amendment that would require a certification about health and safety. That amendment is designed to kill the underlying Dorgan amendment. It is a clever amendment and for sure can legitimately be determined to be a poison pill.

Our efforts develop an effective and safe system that gives Americans access to lower prices. This amendment requires that all imported drugs be approved by the Food and Drug Administration. The amendment sets a stringent set of safety requirements that must be met before Americans can import drugs from that country.

The amendment requires all exporting pharmacies and importing wholesalers to be registered with the Food and Drug Administration, as well as being inspected. It gives the authority for the FDA to inspect entire distribution chains of imported drugs, and it sets very stringent penalties for violation of the safety requirements in this bill, including criminal penalties and up to 10 years in prison.

Don't be fooled by the poison pill amendment to which I just referred. Voting for that amendment is a vote to kill drug importation.

With the Dorgan amendment, we are going to get this job done because we need to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry.

I think Americans have been waiting for this for a long period of time. When a country such as ours allows every other product to come into this country that the consumer wants for the best price and the best quality, there is no reason we should make an exception for pharmaceuticals. We must make sure they have access to these affordable prescription drugs. So I urge my colleagues to support the Dorgan amendment.

Mr. COBURN. Mr. President, I want to chime in for a minute on this amendment, and I want to set a little background. Why do we want to import prescription drugs? What is the reason behind it? The reason is that there is not a true international market in pharmaceuticals. Senator STABENOW quoted a figure of $29 billion worth of Government research. That is not quite accurate. There is $29 billion that goes to NIH, but that is not all related to drug development. Probably half of that is. So we do have a great investment in drugs. There is no question

that the American consumer subsidizes the pharmaceuticals of almost every other nation in this world. So the purpose behind this amendment is a good one.

I would draw attention to the fact that Senator BROWN and I passed a drug reimportation bill in the late 1990s that became law, and President Clinton signed it. Donna Shalala, however, under the same guidelines, refused to carry out that mandate—that bill is still on the books, by the way—claiming there was nothing they could do that would make them safe and that they could assure they were safe.

I am going to vote for this amendment, and I think it is right that we should develop a worldwide market on pharmaceuticals, but I am not sure we are going to accomplish this. Having authored the first bill on drug reimportation when I was a Member in the House, what I have seen is that the problem is much bigger than what we are attacking. I find it kind of peculiar and strange that we haven't gone a little further. What really needs to happen is we need to tell all our friends around the world that tell the pharmaceutical companies what price they will pay for drugs, we need to tell them what price we will pay for their products. As soon as we did that, guess what. There would be a worldwide market on pharmaceuticals. We may get there through reimportation, but I don't think so. I think it is going to get squeezed down. I think greed conquers technological difficulty almost every time.

So I think this is a good step, but if we really want to solve this problem, let us put an amendment on the floor which says that any country that essentially fixes the price on pharmaceuticals, their products coming into our country will have their prices fixed. Can you imagine if we were to tell BMW what they are going to get for a BMW 531, or Volkswagen what they are going to get for one of their vehicles, or Toyota what they are going to sell a car for? That is essentially what they are doing to the pharmaceutical industry in this country.

I believe this is a good amendment, and I am supportive of reimportation, but I don't believe it solves the problem. I don't want the American people to think that if we pass this, all of a sudden the price of drugs is going to come down. It will not. It is great that we are doing it, but we are not going far enough. We need to ask the administration to carry out the strength of their ability through Executive orders to create true competition throughout the country and throughout the world on pharmaceutical prices.

Regardless of all the precautions and the well-thought-out plans of Senator DORGAN—and I know Senator BROWN has worked on this for years, as has Senator STABENOW and Senator VITTER and several others—I believe they will get around it. I believe they will sign contracts for fixed quantities of drugs, and then the countries that have the potential to take a drug that was produced here or produced by a manufacturer that is based out of this country, they will limit the amount of drugs that are available to them based on the contract they sign for the number of drugs. So we will have made everybody feel better, but we will not really have created a worldwide market for pharmaceuticals. That is what I think we have to do.

I would like to put out to the author of this amendment, as well as the sponsors, that we ought to think bigger on how to handle this because what we really have is one industry where there is not true free trading. We are not ever going to get the benefits, we are not ever going to relieve the burden of the American consumer, who is paying to subsidize drugs in Germany, in England, in France, and in Japan, we are not ever going to take that burden off until we really create a true worldwide market in pharmaceuticals. I am just hesitant to believe this is going to accomplish it.

Like I said, I am going to vote for it. I believe it is a step in the right direction, but I think we need to be more bold. If we really believe in the benefits of international free trade, then we should do whatever is in our power to insist it become an international market for pharmaceuticals. That way, the pharmaceutical companies won't have to use the only market there is in our country to subsidize the variable costs and the research that they contribute to a lot of the drugs that come today.

So I am supportive, I think it will pass, but I would reach out to the other Members who are interested and say: Let's do something bigger. Let's do something that will really fix it and do it fairly quickly. We will have a thriving pharmaceutical industry that way. It truly will be based on competition. Intellectual properties that are truly researched and supported by the country—we as Americans, if we have done that, we will get the better benefit from it if we have a true international market. I think the drug companies would like to see that as well.

I understand they are trying to get return on invested assets. I believe it is important that everyone has a fair price for a pharmaceutical and that people make money when they sell a pharmaceutical. But we have to have an international market, and we have to solve it that way.

I thank Senator BROWN for allowing me the time, and I yield the floor.

AMENDMENT NO. 985

Mr. BROWN. Mr. President, I thank Senator COBURN for his always innovative approach and his support of this and for all he does in working on health care issues generally and especially on prescription drugs.

Mr. President, I ask unanimous consent that the pending amendment be set aside, and on behalf of Senator BROWNBACK and myself, I call up amendment No. 985.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. BROWNBACK, proposes an amendment numbered 985.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a priority drug review process to encourage treatments of tropical diseases)

At the appropriate place, insert the following:

SEC. ___. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 524. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

''(a) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' means the acquired immune deficiency syndrome.

''(2) AIDS DRUG.—The term 'AIDS drug' means a drug indicated for treating HIV.

''(3) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

''(4) NEGLECTED OR TROPICAL DISEASE.—The term 'neglected or tropical disease' means—

''(A) HIV, malaria, tuberculosis, and related diseases; or

''(B) any other infectious disease that disproportionately affects poor and marginalized populations, including those diseases targeted by the Special Programme for Research and Training in Tropical Diseases cosponsored by the United Nations Development Program, UNICEF, the World Bank, and the World Health Organization.

''(5) PRIORITY REVIEW.—The term 'priority review', with respect to a new drug application described in paragraph (6), means review and action by the Secretary on such application not later than 180 days after receipt by the Secretary of such application, pursuant to the Manual of Policies and Procedures of the Food and Drug Administration.

''(6) PRIORITY REVIEW VOUCHER.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a tropical disease product that entitles such sponsor, or a person described under subsection (b)(2), to priority review of a new drug application submitted under section 505(b)(1) after the date of approval of the tropical disease product.

''(7) TROPICAL DISEASE PRODUCT.—The term 'tropical disease product' means a product that—

''(A) is a new drug, antibiotic drug, biological product, vaccine, device, diagnostic, or other tool for treatment of a neglected or tropical disease; and

''(B) is approved by the Secretary for use in the treatment of a neglected or tropical disease.

''(b) PRIORITY REVIEW VOUCHER.—

''(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a tropical disease product upon approval by the Secretary of such tropical disease product.

''(2) TRANSFERABILITY.—The sponsor of a tropical disease product that receives a priority review voucher under this section may

transfer (including by sale) the entitlement to such voucher to a sponsor of a new drug for which an application under section 505(b)(1) will be submitted after the date of the approval of the tropical disease product.

''(3) LIMITATION.—A sponsor of a tropical disease product may not receive a priority review voucher under this section if the tropical disease product was approved by the Secretary prior to the date of enactment of this section.

''(c) PRIORITY REVIEW USER FEE.—

''(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a drug that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

''(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the anticipated costs to the Secretary of implementing this section.

''(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, the amount of the priority review user fee.

''(4) PAYMENT.—

''(A) IN GENERAL.—The fee required by this subsection shall be due upon the filing of the new drug application under section 505(b)(1) for which the voucher is used.

''(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection is not included in such application.''.

Mr. BROWN. Mr. President, I rise today to offer the Brownback-Brown amendment, No. 985, which provides incentives for pharmaceutical companies to develop and manufacture treatments for neglected tropical diseases. According to the World Health Organization, more than 1 billion people—that is one of every six people worldwide—are affected by at least one neglected tropical disease. In addition, neglected tropical diseases claim roughly 500,000 lives every year. However, less than 1 percent of the roughly 1,400 drugs registered between 1975 and 1999 treated such diseases.

This disparity is obviously due to the lack of financial incentives for pharmaceutical companies to bring neglected tropical disease treatments to market because these diseases disproportionately affect low-income countries, mainly in Africa. Creating incentives for companies to invest in treatments for these diseases is not only in our country's national interest, but it is consistent with the longstanding tradition of this country of caring for those less fortunate around the world.

This amendment would award a priority review voucher to any company that brings a neglected tropical disease treatment to market. Priority review is an existing FDA process by which drugs are reviewed in 6 months as opposed to the average time of 18 months. This priority review voucher would be transferable and could be applied to any drug in a company's pipeline.

This voucher, which would be worth hundreds of millions of dollars for a company with a new blockbuster drug, would also benefit consumers. That is because it would give consumers earlier access to a new prescription drug. Most importantly, creating incentives for pharmaceutical companies to develop and manufacture neglected tropical disease treatments will obviously save lives.

I commend Senator BROWNBACK for his hard work on behalf of impoverished populations who desperately need our attention. He is offering Members of this body the opportunity to simultaneously save lives in developing nations, get U.S. consumers access to new medicines more quickly, and engage the drug industry in a win-win proposition. It is a rare opportunity, and I urge Members on both sides of the aisle to support the Brownback-Brown amendment.

AMENDMENT NO. 1011

Mr. President, I would like to make a few comments on two other amendments, the first being the Stabenow amendment, which I have also cosponsored, along with Senators LOTT and THUNE. That amendment will save U.S. taxpayers hundreds of millions of dollars while restoring the integrity of the citizen petition process. That is important because the citizen petition process is fundamental to our Nation's democratic system.

Under U.S. law, individuals and organizations have the right and should have the right to petition the Federal Government, which is another way of saying they have a right to communicate their views and have their views heard. The Federal Government is, after all, an employee of the American people. Americans absolutely should have the right to weigh in on Government policies and actions.

Unfortunately, some brand-name pharmaceutical companies have regularly exploited the citizen petition process, filing frivolous petitions solely for the purpose of delaying the approval of generic drugs. They have been quite successful at it. Since 2003, brand drug companies have filed dozens and dozens of citizen petitions trying to stop or delay FDA approval of competing generic products. Ninety-five percent—roughly 19 in 20—of these petitions have been denied outright. What about the other 5 percent? FDA either hasn't acted on them or has approved them in whole or in part because they had no other choice—the brand companies had simply reiterated a factual issue that had already been addressed by FDA. In other words, even the approved petitions, the approved 5 percent, were frivolous.

While drugmakers waste FDA's time and taxpayers' money, American patients are forced to continue paying top dollar—the name-brand price—for the medicines they need. Frivolous citizen petitions have created delays that often range from 11 to 15 months, preventing price competition for drugs that generate millions of dollars in revenue each day. American consumers—American taxpayers, who help finance Medicare, Medicaid, and VA health care—can't afford it. These costs are borne not just by consumers and taxpayers but also employers.

I have worked closely with Senator STABENOW to make sure this amendment doesn't interfere with the right of individuals or companies to petition FDA and that the amendment ensures these individuals that the concerns raised in their petitions will still be taken seriously by FDA. What this amendment does do is fight back against the unjustifiable and costly delays caused by frivolous petitions submitted for the express purpose of blocking price competition in the marketplace.

No one, not the drug industry or any other industry, should be allowed to make a mockery of one of our democratic rights—the right to petition our Government—particularly at the expense of patients and taxpayers. Ms. STABENOW's amendment, cosponsored by Senator THUNE and Senator LOTT, will put a stop to a tactic which is as costly as it is unethical. I urge every Member of this body to support it.

AMENDMENT NO. 990

Mr. President, I also would briefly speak out on the Dorgan reimportation amendment, joining Senators GRASSLEY and STABENOW and so many others in both parties in supporting the reimportation amendment.

Some time ago, about 10 years ago, from my northeast Ohio congressional district when I served in the House of Representatives, along with the Presiding Officer, I used to sponsor bus trips to Canada where we would take mostly senior citizens to a Canadian drugstore right across the river from Detroit—Windsor—which was about a 3- or 4-hour bus drive from Lorain County, where I lived. We would take a busload of 40 seniors and others—mostly seniors, as I said. We would buy prescription drugs in Canada—same dosage, same package, same drug manufacturer, for half or even sometimes a third the cost because the Canadian Government directly negotiated on behalf of 30 million Canadians, negotiated directly with the drug company for specifically less expensive drugs. It was clear to me then that reimportation was legislation we needed so seniors did not have to go to Canada; instead, that wholesalers, the Drug Marts and the CVS's of the world and the mom-and-pop drugstores can negotiate, could get those prices wholesale from Canadian drugmakers or companies and bring those prices significantly down for American consumers.

As Senator COBURN said, when we were House Members we passed legislation 8 or 9 years ago. That legislation was never implemented the way it should have been. The Dorgan amendment will save money for America's seniors, for America's drug consumers, for prescription drug users. It is an important amendment, and I ask for support for the Stabenow amendment, the

Dorgan amendment, and the Brownback-Brown amendment.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I stand today in support of an amendment to S. 1082 offered by Senator DORGAN and several of our colleagues. This amendment is identical to a bill sponsored by the Senator from North Dakota, a bill I am proud to cosponsor.

We have a serious problem today with drug prices all across our land. The American people have asked us to do something constructive about this crisis. Why is it Americans pay the world's highest prices for prescription drugs? This is simply not fair, and I have to believe we can do better in America. While the issues contributing to prescription drug prices are many and complex, this amendment, the Pharmaceutical Market Access and Drug Safety Act, offers a genuine and workable piece of the solution.

It is no secret to anyone that Americans already import many prescription drugs, and I have heard from constituents in my home State of Pennsylvania about buying drugs outside of this country. A recent study shows that would cost from 35 to 55 percent less than constituents of mine are paying. They can pay a much lower price if they are able to get prescriptions from another country. Seniors who are living on limited incomes are especially vulnerable and need to cut costs wherever they can.

We all know the high cost of health care across all of our States is prohibitive for so many vulnerable citizens—children, working families, and older citizens. The reality is when the monthly budget has been spent on necessities such as food or childcare, doctors' visits, housing, transportation—when all those costs are incurred, many families do not have money left over for medicine. These individuals may have no choice but to forgo needed medicine and hope for the best.

Another recent study found 43 percent of uninsured Americans ages 19 to 64, and even 18 percent of insured adults, did not fill a prescription because of cost. This is in the richest country in the world. We can do a lot better than that, and we must do better than that.

I support this legislation because it gives us the opportunity to help families in America, and to do so safely. There are a number of safety features that are intended to guarantee that only safe and effective—let me say that again, only safe and effective—FDA-approved drugs are imported across our borders. These safety features are comprehensive. For purposes of time, I want to highlight a few.

First, this act allows only the importation of FDA-approved medicines with a chain of custody, to ensure that drugs are handled only by authorized persons. In most cases, the medicines that are imported under this act are identical to the medications sold in the United States—literally the same medications made by the same manufacturers.

Exporters would be required to maintain detailed records and a sample of each lot sent to the U.S., so that the FDA can conduct testing on any lot at any time. The FDA would have broad authorities, including the power to cease importation of a drug or to suspend a registered exporter without notice. The FDA also has the authority to inspect all facilities in the chain of custody of a drug.

The bottom line is this bill gives the FDA broad authority and the resources to ensure that imported drugs are in fact safe. It is unacceptable that working parents have to make a choice between medicine they cannot afford for their child and making the rent payment on time. It is unacceptable that older citizens have to choose between paying for needed medication and paying for food.

This Chamber can do something about this challenge, can do something about this Hobson's choice so many families face every day in America. The Dorgan amendment provides an effective regulatory framework to ensure that imported drugs are safe for our families. I urge all my colleagues to support this amendment which will provide an invaluable piece of the solution to making FDA-approved prescription drugs affordable for everyone.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

(The remarks of Mr. INHOFE are printed in today's RECORD under ''Morning Business.'')

Mr. INHOFE. Mr. President, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The senior Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise in support of the amendment that has been introduced by Senator DORGAN with whom I have joined as a cosponsor regarding drug importation.

First of all, I commend Senator DORGAN for his longstanding leadership and advocacy on this issue which has been for the better part of a decade. Regretfully, we are still at a point where we have been unable to pass legislation that would create a drug safety regime for drug importation.

That is the purpose of our amendment, Members of the Senate, as we today consider legislation to address an essential new function in how the FDA will finance the cost of reviewing new drugs; that is, the critical process of bringing new medications to market to Americans.

At the same time, this bill has directly raised a number of issues in how we assure that drugs are as safe as they should be, how we can bring new low-cost generic biologics to market. Key to this debate on this legislation that is pending before the Senate is the adage, which we have heard time and time again, that is: A drug which is not affordable is neither safe nor effective.

The simple fact is, even with the new Part D prescription drug benefit as part of the Medicare Program that has been in place for more than 2 years now, we still have at least 60 million Americans overall that today pay the full price of medications, have no help whatsoever because many have no health insurance or their insurance does not provide coverage for prescription drugs.

At the same time, the price that Americans are paying is the highest price in the world. For those of us who are fortunate to have prescription drug coverage, the estimated cost of medications is part of the major exorbitant increase in the cost of health care.

Many of my colleagues have recognized that our system lacks competition that would assure our constituents more affordable access to lifesaving medications. That is why I am very pleased to join with the Senator from North Dakota, and we have the support of a bipartisan group of colleagues in the Senate, along with Senators GRASSLEY and KENNEDY and Senators MCCAIN and STABENOW who are unified with us in supporting this bipartisan approach.

Today, our voices echo those of 8 out of 10 Americans who are calling for safe importation. After nearly 3 years of awaiting Senate consideration of our legislation in 11 related hearings on this subject in the Senate, we simply must move forward. The reason is abundantly clear. We know the cost of health care is rapidly rising in America.

Prescription drug prices have contributed to that exorbitant increase. Compared to 1990, nearly twice as much of our health care dollar goes to medications. As the GAO has readily told us, the cost of prescription drugs commonly used by seniors has consistently increased at two to three times the rate of inflation, as indicated by this

chart, when you are comparing brand drugs, generics, and the CPI.

That is why we can no longer afford to postpone any action. We have acted before. We acted on legislation back in 2000. Then we also took action with respect to the Medicare Modernization Act in 2003 which created a Part D prescription drug program. We have found the requirements for the Secretary of Health and Human Services to certify the safety and savings of drug importation have blocked any action; it has become a roadblock to safe importation.

While FDA was unable to point to a single individual harmed by Canadian drugs—and in Europe, where they have had a track record of more than 30 years of parallel trading—it has proven that this trade can be conducted safely.

Time and time again, they have demonstrated that their process of parallel trading has worked without any harm to their consumers. Without a doubt, Americans would not be turning to imports if there was not substantial savings. Indeed, the CBO has told us that countries from which we would import under this bill would pay 35 to 55 percent less for a brand prescription drug. Let me repeat that—35 to 55 percent less than we pay today.

In other words, American consumers are paying 35 to 55 percent more than foreign consumers when it comes to medications. That is remarkable. We have seen so many objections to this legislation for the better part of a decade. That is why we have taken it upon ourselves to develop a regime that has been incorporated in this amendment and in our legislation that would address every facet, every issue that is associated with safety in order to allow drug importation to occur.

As I said earlier, the European Union has already engaged in parallel trading for three decades without incident. As seen here on this chart, where we have incorporated 31 different key safety provisions in our legislation, and compare that to the Medicare Modernization Act that passed in 2003 that created the Part D prescription drug benefit to the Medicare Program, only 6 provisions that related to safety were incorporated in that landmark initiative.

We include 31 different initiatives to address every single safety-related issue that has emerged in this debate. Whether it has been on the floor of the Senate, whether it has been in the course of hearings or elsewhere, we have addressed every safety-related issue to create a regime that should create the assurance that this can be done safely and without harm to Americans so they can benefit from lower priced medications.

Americans deserve to have the lower priced medications. The FDA can conduct this program. They can conduct this regime. They should work proactively to assure these drugs are safe. We give them the means and the wherewithal and the resources in order to accomplish this. We comprehensively address the various concerns that have been raised months and years about drug importation so we can get something done.

People say: Well, let's just certify safety. Well, as I have said earlier, it is a roadblock. It is an impediment to get anything done. It essentially becomes the poison pill. We have tried certification. We have given the Secretary of Health and Human Services under two administrations—this administration and the previous administration—the ability to do that, to certify it. They are unwilling to do so because they have said they do not have the resources, they do not have the means.

Well, we are giving them the means and the resources. But to pass another amendment that simply calls for the Secretary of Health and Human Services to certify drug importation is a roadblock. It is a road to nowhere with respect to this initiative. That is why Senator DORGAN and I took a different route.

We address all the safety questions. We do not certify to ensure safety, we take action with these provisions. What we do is employ the measures to actually make drug importation safe.

Opponents claim importation will cause harm. But they fail to note that the greatest threat to the safety of Americans is the inability to take a drug as it is prescribed. That exacts a toll on thousands, if not millions, of Americans each and every year, not to mention lives lost.

Some say Americans would receive drugs from illegitimate sources, but under our legislation, Americans will receive imported drugs from 32 countries with high standards. In most cases Americans will purchase an imported prescription drug from their local pharmacies just as they do today. The pharmacies will receive these drugs from the U.S. wholesalers which import them. These wholesalers will have been registered. They will be inspected. They will be monitored by the FDA. This higher level of safety is also a first step in establishing a higher standard for handling of prescription drugs right here in the United States where we have had the preponderance of problems.

Our legislation allows individuals to directly order medications using an FDA-registered and approved Canadian pharmacy. Again, just as with wholesalers handling prescription drugs, the FDA will examine, register, and inspect these facilities on a frequent basis. The FDA will assure the highest standards for such functions as making sure the medical history is recorded of the individual, verifying prescriptions, and tracking the shipments.

Some say consumers will get medications they should not be getting. Regardless of whether one purchases imported drugs from the local pharmacist or uses a Canadian pharmacy, we assure that a legitimate prescription and a qualified pharmacist will be vital ingredients to ensuring safety. In fact, we have many standards incorporated in this legislation in which it would occur.

We adopted language that had been introduced by the Senator from California, Mrs. FEINSTEIN, with respect to Web sites and domestic Internet pharmacies so that we assure that properly licensed pharmacies and pharmacists are behind Web sites that are offering these medications.

Some say importation will allow unapproved drugs to enter the United States. Again, on that point, our legislation is abundantly clear. Every drug received will always be FDA-approved. If any difference exists in a foreign drug, even the most minute, our legislation assures FDA will evaluate the product and determine its acceptability. If the drug is not bioequivalent to a U.S. drug, the Secretary may reject approval of that medication.

Some say we will import counterfeits. The truth is, today the FDA does not know even the level of domestic counterfeiting where, as I said earlier, the preponderance of the problem exists. It is simply not employing the very anticounterfeiting technologies which our legislation demands in order to ensure that we protect against the threat of counterfeits. The fact is, we employ technologies today like the ones we use now for twenty-dollar bills. We can use the same for prescription drugs.

Moreover, this bill supports development of future anticounterfeiting and track-and-trace technologies, very effective methods which we hope will be used to protect all drugs. For those who say consumers would not know who has handled the imported prescription drug, again, our bill requires a chain of custody, a pedigree to be maintained and inspected to help ensure the integrity of imported medications. A pedigree for prescription drugs was mandated, believe it or not, by law in 1988 and still has not been implemented by the FDA. Under our legislation, at last we will require pedigrees to be implemented for all medications.

Some opponents will even attempt to alarm Americans about the countries from which we import drugs, citing Latvia, Estonia, Slovakia, and members of the European Union. But consider that another member is Ireland where Lipitor is made. Again, I call your attention to this chart which indicates the European Union and other countries from which we import drugs designated in blue. They either meet our standards or have even higher ones, ones as you can see in this chart, all of the blue countries from which we would import. They have our standards or they exceed our standards.

In contrast, this chart denotes the countries in red from which, again, our manufacturers import medications. That is interesting. The FDA inspects pharmaceutical manufacturing plants in these countries denoted in red. These are countries from which manufacturers will import products. It includes China, India, Bulgaria, Jordan,

and other countries. In fact, they have lower standards. So what I have indicated, based on what this map shows, is that we have the blue countries from which we would allow importation of drugs that would be FDA-approved, facilities inspected, documented. We would have pedigrees and technologies to track the shipments. These are countries that meet or exceed our standards. Today we already have FDA pharmaceutical manufacturing plants in these countries in red that, in fact, have lower standards. So we already, amazingly enough, allow medications to come in from countries that have lower standards. Why do we? Because they are inspected by FDA. So the same process can't work for countries that meet or exceed our standards already, that already have a track record in parallel trading in and amongst their own countries, and we can't do it today for those countries when FDA already does it for other countries that have lower standards? Because that is where many of our medications are manufactured. That is where our manufacturers import and FDA inspects those facilities before those medications enter the United States. So this is already done. It is done with countries that have lower standards, and we find that acceptable. Yet we say we are not finding it acceptable from countries that already have a track record of parallel trading amongst their own country without injury to any of their consumers over the last 30 years that meet or exceed our standards. It simply doesn't make sense.

We are setting a model for improving safety because we are saying we are going to create 36 different measures for establishing safety for the American consumer to assure all those concerned that we have the measures in place and the resources with which to do it. So to those who say importation is unsafe, we show them how it shall be safe under our legislation. It sets a model and a standard.

Some say consumers will not see significant savings. But drugs imported under this program will be labeled as imports so consumers will have the opportunity to do some comparative shopping. They will be able to take those prices and do a side-by-side comparison between the imports and those medications they buy in the United States. Consumers have become well aware of foreign pricing and the competition that exists between imported and wholesalers. We know they will achieve consumer savings; there is no question. That is why so many Americans, including many of my constituents from the State of Maine who have been able to access medications from Canada, have had to take bus trip after bus trip. They have been compelled to do that in order to achieve savings because of our unwillingness to address this issue in the Senate and the overall Congress. This legislation should have been accomplished a long time ago.

In terms of savings, it should be interesting to note the independent analysis of the Congressional Budget Office which has confirmed that the savings, indeed, should be substantial—not surprising. It would be very substantial, indeed. They estimate a 10-year direct savings alone of $50 billion to the American consumer—$50 billion. That is probably on the conservative side. The Federal Government stands to save $6.1 billion in the Medicare and Medicaid Programs alone. This is only the savings that CBO projected from purchases of imports. With increased competition in our markets, we could indeed save more, having competition, having the pharmaceutical industry have some competition in their pricing. Understand, individuals can't import medications. Pharmacists can't import medications. Only manufacturers can. So we are saying: Let's set a standard. Let's allow imports that benefit the individual consumer with safety-related provisions put in place.

In fact, in a recent Commerce Committee subcommittee hearing, we had the opportunity to hear from a number of experts. We heard from a pharmaceutical economist who estimated that importation could result in a 12- to 20-percent reduction in domestic drug costs. That is an annual savings, not over 10 years, of up to $40 billion per year, as competition is created for consumer savings. So as a direct result of the competition that would develop as a result of importation, consumers alone could save up to $40 billion a year.

So at a time when health care spending is reaching 16 percent of GDP and is climbing, this competition is an imperative. It is central. It is central to the consumer who is facing double-digit increases in prescription drugs. Prescription drugs are not getting cheaper in America. They are getting more expensive. As I said, the American consumer is spending 35 to 55 percent more than the foreign consumer. Health care spending is 16 percent of the GDP. Much of the increase in health care spending is attributed to the rising cost in prescription drugs.

So that is why this becomes all the more important to the American consumer and, indeed, to the Federal Government that will save $50 billion over 10 years and 6 billion alone in Medicare and Medicaid spending. That is important to our own interests and to our budgetary concerns about the growth in these respective programs.

Some have argued that we haven't provided the resources necessary to run an importation program. But we have established a means of financing, a small fee based on the value of imported drugs which will now be set at a cap of 2.5 percent. We have always agreed that the FDA should have adequate resources. In fact, we heard from previous Secretaries of Health and Human Services, we don't have the resources to certify safety. So now we are providing a certification for that by including this cap of 2.5 percent for a fee on the total import of medications. This is what CBO has indicated to us would be necessary in order to accomplish and implement these safety-related measures. We think it is important the FDA have the resources that are essential for regulation, for monitoring inspections of both domestic wholesalers, who would import the prescription drugs, as well as the Canadian pharmacies from which American consumers could order.

Some say our bill is intended to adopt Canadian prices. Again, quite the contrary. We open importation to 32 countries which meet our safety standards. We are not simply adopting the price of another country. Rather, we are purchasing in a world market. That is a critical point. We are allowing American consumers to benefit from worldwide prices because of the competition that would be allowed. Obviously, something is happening in other countries where we want to import these medications because they are paying 35 to 55 percent less than American consumers. Why should that be the case? These are countries, by the way, that meet or exceed our standards when it comes to drug safety. Yet American consumers are paying 35 to 55 percent more for the same medications.

Some say we compel manufacturers to sell the product. But our bill is very clear on that specific point. We never compel any manufacturer to sell any particular product. But when a manufacturer chooses to sell product, the bipartisan bill prohibits discriminatory acts against pharmacists and wholesalers who sell these medications. Those actions have reduced supplies of essential drugs for some Americans, at peril to their health.

We are saying they cannot take action that discriminates against a pharmacy because they have sold those drugs to an American consumer. They are not penalized because their supplies are cut off by the manufacturer as a means of punishment and discrimination.

Now, some say importation will threaten research and development. But the fact is, manufacturers will invest just as other industries do, in order to develop innovative products and remain competitive. The taxpayer is a partner in that investment. The American taxpayer is a partner. The taxpayer makes investments in research and development. In fact, we fund nearly $30 billion a year to do basic and applied research at the National Institutes of Health alone—$30 billion.

So as you can see on this chart, as to R&D spending from all the companies, we—the United States consumer and taxpayer—fund and underwrite much of their research and development.

As I said earlier, other industrialized countries pay 35 to 55 percent less for their drugs. But because of the higher prices Americans pay for their medications, the American consumer ends up

paying $99 billion more for their prescription drugs each year than otherwise would be the case. Let me repeat that. Because we pay 35 to 55 percent more than foreign consumers, American consumers end up paying $99 billion more for their medications.

With all that additional profit, the industry spends about $9 billion more on research and development than they do in Europe. That is 10 cents return on the dollar for all that added profit margin. So while the American consumers spend $99 billion more for their prescription drugs than foreign consumers, in Europe, for example, American pharmaceuticals spend only $9 billion more—from that $99 billion—on research and development than they do in Europe. We spend only $9 billion more here than they do in Europe on research and development. That means American pharmaceuticals are netting $90 billion more, that they are only investing $9 billion more in research and development.

So it is not undercutting their ability for research and development, not to also mention, by the way, the American taxpayer invests more than $30 billion at the National Institutes of Health alone for basic research as well.

In fact, if you look at the R&D spending of the largest pharmaceutical firms—as indicated again by this chart—it is not markedly different from many other firms. If you look at other firms, such as Intel, Microsoft, Lucent, and others with high research and development costs and relatively low production costs, their research and development spending averages about 14.3 percent of gross revenues—not much different—yet their products are highly competitive, very competitive. You have seen the software, cell phones, computers, laptops, whatever. You have seen the very competitive pricing today, yet they make an investment of 14.3 percent for research and development as a percentage of their gross revenues.

Yet, paying the world's highest prices for drugs does not ensure additional research, but it certainly does decrease access to drugs. So while they do not invest in considerably more research and development—since we pay $99 billion more in prices for prescription medications, and they only spend $9 billion more on research and development, and the taxpayer spends $30 billion at NIH alone, as I indicated; but even, comparatively speaking, it is 14.4 percent of their gross revenues that are invested in research and development—if you compare that to, as I said, Intel, Microsoft, Lucent, and other companies, which is 14.3 percent, you find more competitive products in the technology arena. Their prices are coming down. The American consumer is not benefiting from the investments that are being made by the pharmaceuticals, yet it is a highly profitable industry. So we are not seeing the same benefits that would yield lower prices for the American consumer.

Now, in conclusion, let me say, I hope this Senate will adopt this amendment that creates the kind of safety regime that would ensure drug importation will become a reality. Simply certifying safety on the part of the Secretary of Health and Human Services has been tried and yet has never accomplished that goal. It has been an impediment to drug importation. It has occurred twice in the last 10 years, and for whatever reasons the Secretaries in the previous administration and this administration have concluded they will not certify the safety regime because there has been no safety regime. It could be done, but it has not been done through the agencies. FDA could do it. It has not accomplished it. It has not implemented it. It has not had the impetus to pursue it. That is why we have taken it a step further. This legislation has been examined, reexamined, based on the concerns that have been expressed by those who have been opposed to it in the past saying they have concern about safety.

We understand that. So we have gone a step further and incorporated every safety-related measure possible that is achievable, measurable, and provide the FDA with the resources to accomplish it.

The Senate has voiced its view to provide market access on this issue on many occasions, even by virtue of passing the certification standard. Obviously, I think there has been an indication on the part of the Senate to support some type of initiative that allows for drug importation. But we want to mitigate the concerns that have been expressed repeatedly about the issues of safety by incorporating all of those measures in this amendment that is pending before the Senate.

In fact, 68 Members of this body voted to adopt the amendment that was offered by the Senator from Louisiana, Mr. VITTER, to the Homeland Security appropriations bill. But we need more than to simply allow importation. We must provide an effective framework that will address the concerns that will ultimately ensure the safety of our consumers.

Sixty-eight Members of this body supported blocking the Customs agency from banning drug importation, so it is obvious Members of this Senate truly want to pass a measure that will allow for drug importation. That is why I think this legislation logically affords us the ability to provide the safety and, at the same time, allow consumers in America to benefit from competition, from lower prices, based on the track record and the experience of other countries that have been adopting this approach for many decades.

Competition is what is missing in this process. It will work for the consumer. To date, the process has not worked for the consumer where they have benefited from lower prices for medications because there has been no competition. Competition has been virtually absent. I note the comment of the former Pfizer CEO, Hank McKinnell, who wrote:

> Competition is good medicine for economies. . . . Name an industry in which competition is allowed to flourish—computers, telecommunications, small package shipping, retailing, entertainment—and I'll show you lower prices, higher quality, more innovation, and better customer service. There's nary an exception. Okay, there's one. So far the healthcare industry seems immune to the discipline of competition.

Those are the words of the former Pfizer CEO, Hank McKinnell.

It is indeed time to make competition work to benefit consumers and taxpayers. Americans deserve and will seek out affordable life-sustaining medications. We must assure that access is safe. That is what we accomplish in this amendment that is pending before the Senate.

Again, I thank my colleague from North Dakota, Senator DORGAN, for his leadership on this question and for all those who are supporting this initiative.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senate majority whip.

AMENDMENT NO. 1022

(Purpose: To ensure the safety of human and pet food.)

Mr. DURBIN. Mr. President, in a brief period of time I will be offering an amendment which I hope to bring to a vote very shortly, perhaps in the next 15 or 20 minutes, depending on the wishes of the chairman of the committee and the ranking member, Senator ENZI.

This amendment relates to the issue of food safety. This has been one of my concerns for a long time as a Member of the House and the Senate. I know everyone across America trusts that the food they buy for their families and everyone in their house is safe, that they can eat it and not get sick.

We all know what has happened over the last several months. Whether we are talking about contaminated E. coli in spinach, salmonella in peanut butter, or the latest pet food contamination, people are asking questions of Members of Congress and this Government: Are we doing our job? What is happening here? Why are so many dangerous food products showing up so frequently? How can we protect ourselves?

For many years I have thought the real answer is to tackle the whole issue. I have said it before on the floor, 12 to 15 different Federal agencies inspect our food—imagine that—and they all have different standards. Some inspect food every single day. Go to a meatpacking plant, poultry processing plant; the food is inspected every single day, every minute of every day, as it passes along those lines by the U.S. Department of Agriculture.

Fish is another story. Fish is inspected by the Food and Drug Administration. How do they inspect it? By

what they call the ''sniff test.'' They lean over and smell the fish, and if they have what they call a ''head snap,'' they know they have a bad load of fish. Sounds kind of comical, but it is what we get down to, by and large, in terms of inspecting fish.

So when you go throughout our Government and look at different products and how they are inspected, it makes no sense why different agencies are doing different parts of the food chain. From a consumer's point of view, I do not want to know there are 12 or 15 different agencies at work, with their lights on, in Washington, with a lot of different employees. I want to know there is one good agency, scientifically driven, that is making the right call as to whether there should be an inspection every day, every month, every year—whenever.

They do not have that today, and the system breaks down. What we have seen happen over the last several months is a clear indication that our food safety system—as good as it may be—needs to be a lot better. So I am offering this amendment on food safety.

I thank the Senator from Wyoming who has been very cooperative and helpful in making certain this is a bipartisan amendment. There is nothing partisan about food safety. We should all agree that the goal is one both parties share, all Americans share. Senator KENNEDY has given me the time to offer this amendment on this important bill early on, and I certainly appreciate it. Senator ALLARD from Colorado, a veterinarian, has been involved in this negotiation, as has Senator HARKIN, the chairman of the Agriculture Committee. Many people have come together to take a look at this and make sure it is moving in the right direction.

There was an early warning. The early warning came a few weeks ago when we had a pet food crisis. People who own dogs and cats know what I am talking about. All of a sudden there was a suspicion that the food you were giving your dog—that animal you love, an animal that is part of your family—could be poisoning that animal. Well, for 90 million Americans that is a big deal, and they were concerned about it. So we started looking into why this pet food was contaminated.

That crisis was an early warning signal to America. It was a warning signal that we came to learn had a lot to do with the imports coming into America. More and more imports of food products are coming in from overseas. If you believe we have inspectors sitting in China and France and Germany and Brazil taking a look at these things as they come off the assembly line, taking a little test sample and running it to the lab, you are wrong. It does not happen. In fact, once the shipment is on the boat, or on the plane, coming to America, the odds are 99 to 1 no inspector will ever look at it before it is put into a food product—99 to 1. Only 1 to 1.5 percent of food products sent to America is actually inspected by our Government.

Now, we look at what came over from the Chinese and find out they were adding a chemical to wheat gluten, a protein product called melamine. Melamine is a chemical derived from coal, which is used in the manufacturing of plastic. It has no business in anything that is edible. It was put into the shipment of protein, this wheat gluten, in order to enhance its value because when they tested this wheat gluten on its arrival, this melamine chemical indicated the presence of nitrogen, therefore, more protein, and, therefore, it was worth more. They would sprinkle in the melamine and make more money off the shipment. If this were the end of the story, you would say: Well, that was a pretty nice move; they just made a bigger profit off the shipment. It wasn't the end of the story. It turns out that wheat gluten, when used for pet foods, is toxic. Over 4,000 animals died across America because of melamine and possibly other contaminants. We are still investigating.

So we went to find out how it got into the shipment, and the Chinese did not cooperate. They have started to. I am glad they have. They have agreed to visas for our inspectors. But this pet food crisis was a warning sign, a signal to us in America that this dramatic increase in imports of food products leaves us vulnerable. Today, it was your cat or your dog. Tomorrow, it could be someone in your family whom you love. So we address part of this in this bill.

Secondly, it is an indication that the Food and Drug Administration doesn't have the authority or the resources to do their job as well as they should. This is a great agency. They have an awesome responsibility. We heap more and more responsibility on them each year, we provide them very little by way of additional resources, and they are being stretched to the absolute limit. Of course, this pet food crisis is an early warning that the whole food safety system has to be investigated and honestly looked at. So this is a start. It is an effort to try to make a difference.

I wish to thank Senator KOHL from Wisconsin and Senator BENNETT from Utah. When the pet food crisis came out, they called a timely hearing after our Easter recess, and we started working on this amendment just at that moment, and thanks to them for realizing the importance of this issue.

I also thank those who helped us draft this legislation—the Center for Science and the Public Interest, the Humane Society, which has been terrific from start to finish, the American Veterinary Medical Association, and the Coalition for a Stronger FDA.

Special thanks, while I am giving out bouquets here, to my staffer David Lazarus. This young staffer has really put his heart and soul into this effort. It is his first major legislative undertaking, and I commend him for the very fine job he has done.

Let me say very briefly what this amendment will do. First, it deals with pet food because we have just come off of a pet food crisis, but it doesn't stop there because this contamination doesn't stop with pet food. Sure, we found it in the cans of dog food and cat food, but guess what. It ended up in livestock feed. It ended up moving into the feedlots for hogs, turning into pork products we buy in the store. It ended up in poultry plants, being fed to chickens. We are naive to believe that any problem in the pet food industry can't possibly make it to the human food side of the equation. It can. God forbid that it ever does. We hope we have stopped it in this instance, but it is pure luck if we were able to save ourselves from that calamity this time. We don't want it to happen again.

There are provisions in this amendment which go directly to the pet food issue, provisions which require the FDA to update their labeling standards for pet food, including nutritional and ingredient information, working closely with the American Association of Feed Control so that the representations on the labels of these cans of pet food are honest representations about what is good for your animal and what is safe. Also, it requires that the Secretary of Health and Human Services establish an enhanced system capable of detecting food contamination and outbreaks of pet illness and death.

This amendment also requires the FDA to develop an efficient, effective communication plan to coordinate with veterinarians and consumers, owners across America, so that we can find out if we are dealing with a need for a recall. Recall data would be consolidated and presented in a searchable format. They were recalling pet food so quickly that if you went to the FDA Web site, you had to plow through all of the corporate press releases to figure out just exactly what was a dangerous product. When I mentioned this to the FDA, they changed their Web site, and we put it into law, to make sure they are consumer friendly and have up-to-date information consumers can understand.

We work with the Secretary as well and the States on activities and programs to improve the safety of raw agricultural commodities. We go beyond just pet food into all edible products, agricultural products. What we attempt to do is to have the Secretary share resources with the States to improve State food programs and help States establish standards for inspection. Fifty States, 50 standards, is unacceptable. There should be one scientific matrix we follow so we know that whether the product comes from Oregon or Illinois or New Hampshire, that it is safe.

We also establish something that I think is historic. It applies to pet and human food as well. It is an adulterated food register, to collect information on cases of food adulteration and suspected adulteration that are potentially dangerous and improve the speed

by which consumers learn about them. We want an early-warning system, and in this age of computers and the Internet, we can achieve it.

I believe this is critically important. In this case, there was a Canadian company called Menu which made dog food. Menu discovered in the middle of February that the cats and dogs were turning up their noses at their product, and then they found those that were eating their products started to show signs of illness, and then some of the animals died. Do you know how long it took them to report this to the Food and Drug Administration? Three weeks. Three weeks, while their products spread across Canada and North America, on the shelves of stores, and unsuspecting customers were buying them, they weren't reporting them. Our law now requires reporting within 2 days, and if they fail to report, they face civil penalties, which I hope will be imposed on a timely basis so that we let all companies know this kind of delay is intolerable.

We also do something here that is important. If we find evidence of adulterated food, we report it as well to Homeland Security. Why? Well, Governor Tommy Thompson told us why. When he left as Secretary of Health and Human Services under this administration, he said: I find it unimaginable that someone hasn't tried to use our food supply—the terrorists haven't turned to our food supply to cause injury and death. He understood, as I do, and everyone should at this moment, it is a vulnerability for America we need to avoid. So this food registry will move us into a notification phase so the Department of Homeland Security can at least have notice if there is a problem.

We also require better access to business records for the investigation to get to the bottom of it. Where did it come from? How is it used? How can we contain the need?

We talk about a sense of the Senate in this amendment that points in another direction, maybe going beyond this current crisis into looking at an overhaul of our whole food safety system, and we require the Secretary of Health and Human Services to report annually to Congress with information about their inspections and enforcement.

I am going to yield the floor at this point, and I again thank Senators KENNEDY and ENZI for their help on this important legislation.

I wish to tell my colleagues that there were things I wanted to add in with this amendment, but in the interest of avoiding political conflict and in the interest of not slowing down this important legislation and in the interest of making certain we did achieve something today, I am saving those arguments for another day.

One of them is the issue of mandatory recall, which I think our Government should have the power to do and currently does not. Our Government and its agencies do not have the power to recall contaminated food from the shelves. I believe that law needs to be changed. It is not included in this amendment. We will save that debate for another day.

Again, my thanks to my colleagues.

Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. ENZI, Mr. KENNEDY, Mr. ALLARD, and Mr. NELSON of Florida, proposes an amendment numbered 1022.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. DURBIN. Madam President, before yielding the floor, of course I will leave it to Senator ENZI and Senator KENNEDY for the timing of this rollcall, but I am ready at any time for it to be called after they have had a chance to make a statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the Senator from Illinois, Mr. DURBIN, for his tremendous work and creativity and willingness to make revisions to his amendment so that we can clear up outstanding concerns or clarify outstanding concerns people might have had with it. I think we are at the point where that is the case. I would like to make a few comments on it myself.

Food safety is an issue that affects us all. It is not a partisan issue. We all want the safest food supply possible. It is, instead, our shared goal, a goal that requires cooperation and teamwork through a complicated process, and we have had that.

For many of us, the safety and reliability of our food system is something we all too often take for granted. Day by day, we consume our favorite beverages, enjoy a quick snack, or sit down to a meal at a local restaurant. We rely on a system of checks and balances that takes place behind the scenes that we are often unaware of until something goes wrong. Then and only then do we realize how dependent we are on the food safety system that is supported by the activities carried out by the Federal, State, and local government agencies, as well as by the food industry itself. Together, they inspect, test, research, and monitor our food supply from the farm or ranch where it is produced to the family dinner table where it is consumed. The type and amount of oversight they exercise depends on the food product, and the degree of regulatory scrutiny they demand is commensurate with the degree of risk.

In addition to these longstanding authorities and the activities of food safety, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 required the Food and Drug Administration to register food processors, inspect their records, and detain adulterated food. It also requires the Food and Drug Administration to issue regulations to ensure the safety of imported foods.

Food safety has been making news lately. From E. coli in fresh spinach to salmonella in peanut butter to melamine-contaminated pet food, we hear a constant drumbeat of food safety problems.

The United States has one of the best food safety systems in the world, but even in the best of systems, there is room for improvement. Those improvements can take many forms. For example, we can address how food becomes contaminated in the first place, and we can make advances in the processing and handling of food. Our surveillance, testing, and reporting systems represent areas we should evaluate, as well as internal and external communications. Interagency cooperation and coordination between Federal and State officials is critical in identifying, tracking, and responding to outbreaks of foodborne illness.

The amendment offered by my colleague, Senator DURBIN, contains several important elements in that response, but it is the beginning, not the end, of the process of food safety. This amendment does a number of important things. It establishes standards for pet food and sets up early-warning systems for any problems with pet food. The amendment improves communications systems about all food recalls, and it coordinates State and Federal activities on fresh and processed produce. Finally, the amendment creates a database of instances of adulterated food so that the FDA can better track patterns of problems and target its limited resources where they are most needed.

I am pleased we are able to work across party lines to develop an amendment today that we can all support, and I ask unanimous consent to be a cosponsor, along with Senator ALLARD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. However, there is much more work to be done. This amendment is a good first step on the road to a comprehensive response to food safety.

In March 2005, Senator KENNEDY and I announced that we were working to develop a comprehensive response on another FDA issue, which is drug safety. The bill on the floor this week is a direct result of that announcement and

that pledge to work together. So when I pledge today to work to develop a comprehensive response on food safety, you can have some sense that I do mean that. I want my colleagues to work quickly and diligently to get this amendment to the point where we can accept it. I know we have it scheduled for a vote at the moment, too.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I wish to join with Senator ENZI and thank our friend and colleague, Senator DURBIN, for his strong leadership on this issue. This is an issue of enormous importance to families across the country.

As Senator ENZI just mentioned, over a year ago we made a strong commitment to the Senate that we were going to work on this drug safety issue, and we have come here in a bipartisan way to put forward a very strong bill that will ensure greater safety for American families in the area of prescription drugs. I think we are here to say that we will join with our friend and colleague from Illinois to build on what is an enormously important amendment and commitment to ensuring that we are going to have food safety as well as pet food safety in this country.

I think this amendment, as has been outlined by Senator DURBIN and Senator ENZI, reaches the heart of the challenges we face. One is on the issue of surveillance. We understand that is an essential aspect, whether it is food safety or prescription drugs, or whether it is in the area of avian flu, bioterrorism—whatever the challenge that is out there, surveillance is the first thing that needs to be done. We know that today the system is grossly inadequate.

Second, we know the information about food and food safety is scattered through a number of agencies and through a number of different kinds of delivery systems, and that the coordination between the Federal and State is loose. In all of these areas, this amendment addresses these issues and questions in a very effective way, to bring common sense to and put real teeth into the safety provisions.

The pet food standards that are in this legislation are strong and effective and would be very much appreciated by all Americans who are concerned about this issue. The standards are variable at the present time. The reporting is not good today, and this particular amendment is particularly responsive to that kind of challenge.

Finally, this addresses the central concern all of us have read about and are concerned about, which the Senator has spoken to, and that is the issue of importation. When you add up all of those kinds of elements, we find this is a very solid and meaningful amendment. I think it strengthens the legislation immensely. We have every purpose, as we move forward, to find ways we can provide even a greater kind of protection and safety to the food supply for American families.

I commend the Senator from Illinois. I think we will be ready to have a vote on this at the earliest time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that Senators KOHL, CANTWELL, SCHUMER, and BIDEN be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to vote in relation to the Durbin amendment No. 1022; that no other amendments be in order prior to the vote; that the time until then be equally divided and controlled between Senators KENNEDY and ENZI; and that the vote be scheduled for 4:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, we expect the vote at 4:30, for our colleagues. After that, we are going to have a conversation with those who have been primarily interested and concerned about the whole issue of biologics. So I give the assurance we are going to address that issue in a timely way. That will ultimately be part of this legislation.

We also will be able to report on progress we have made on several other amendments. There are a few items that are going to necessitate our attention through the evening. We had a very good debate earlier today on the children's provisions; we had an important vote and discussion on that.

This addition this afternoon is enormously important, and I think the time that has been taken to work through this legislation has made it even stronger and better than I think it otherwise might have been. I am grateful to all of our colleagues who are working with us on both sides of the aisle, and particularly the staffs. We are moving forward. We are going to be busy this evening trying to work through some of the items, and we will have the cloture vote tomorrow and the follow-on Cochran amendment.

There is a glimmer in sight about reaching a conclusion to this legislation. Again, we are very appreciative of all who have helped us up to this point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 1022

Mr. DURBIN. Madam President, we found a typo on page 5 in the amendment that we want to clear up before the amendment is considered.

I ask unanimous consent to modify the amendment as submitted to the Senate. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

(3) post information regarding recalled products on the Internet website of the Food and Drug Administration in a consolidated, searchable form that is easily accessed and understood by the public.

SEC. __04. STATE AND FEDERAL COOPERATION.

(a) IN GENERAL.—The Secretary shall work with the States in undertaking activities and programs that assist in improving the safety of fresh and processed produce so that State food safety programs involving the safety of fresh and processed produce and activities conducted by the Secretaries function in a coordinated and cost-effective manner. With the assistance provided under subsection (b), the Secretary shall encourage States to—

(1) establish, continue, or strengthen State food safety programs, especially with respect to the regulation of retail commercial food establishments; and

(2) establish procedures and requirements for ensuring that processed produce under the jurisdiction of the State food safety programs is not unsafe for human consumption.

(b) ASSISTANCE.—The Secretary may provide to a State, for planning, developing, and implementing such a food safety program—

(1) advisory assistance;

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I rise today and would like to briefly speak about Senator DURBIN's amendment regarding food safety. I was happy to cosponsor this amendment, and I agree with all of the sentiments expressed by the Senator earlier today.

This amendment deals with many of the underlying problems that allow food safety issues, such as the ones we have dealt with in recent months that have affected not only humans, but their pets as well.

It requires the FDA to set standards for pet food and to update them as necessary, and it directs the Secretary of Health and Human Services to establish a system capable of detecting pet food contamination and outbreaks of pet illnesses and death—this will prevent the type of confusion that continues to surround the recent melamine outbreak, and will help detect these problems much earlier. It requires FDA to develop effective communication plans to coordinate with stakeholders during outbreaks of both pet and human foods, so people know what is going on—quickly—and know what to do. It directs the Secretary to work with States to collaborate on activities and programs that assist in improving the safety of raw agricultural products such as spinach, which was the cause of a major food safety recall last fall. Importantly, it requires FDA

to establish a registry to collect information on cases of potentially dangerous food adulteration to help get any dangerous food off of the shelves more quickly and to allow FDA to target inspection resources where most needed.

This amendment does many important things—and takes many important first steps. I know that Senator DURBIN would have liked this amendment to go a little further, and I agree with his sentiments, but it is important to at least take the first step.

In March of this year, I held a hearing in Madison, WI, on food safety issues at the FDA. The Commissioner of FDA attended, as well as the Director of the FDA's Center for Food Safety. At that time, I pointed out that outbreaks of foodborne illness caused by produce have doubled since 1998. During this same time, the FDA's food budget has suffered. The number of people getting sick is going up, but the number of inspections and food safety tests being conducted is dwindling. So too are the number of food inspectors and overall staff at the FDA's Center for Food Safety. Imports have risen dramatically over the years, but the FDA is only able to inspect less than 1 percent of them.

Events after that hearing seemed to exacerbate what I pointed out. The recent pet food scare, and the ongoing melamine investigation, serve as constant reminders that we have been taking this issue for granted, assuming that the FDA has the authority and funding necessary to do its job, when that is clearly not the case.

Senator DURBIN's amendment begins to take care of some of the problems with FDA authority and actions.

As the chairman of the Agriculture Appropriations Subcommittee, which has jurisdiction over the FDA's budget, it is my job to make certain that the FDA has the money to carry out its vital role of protecting our food. The Food Center at FDA doesn't have user fees from industry to boost its funding—it all comes from the Congress, and has been stagnant for far too long.

I have been working diligently to make sure that when the fiscal year 2008 Agriculture Appropriations bill is written, food safety will be one of its highlights. I do not believe the administration has ever requested enough funding for food safety at the FDA, this year notwithstanding. I plan to correct that. It may not happen all in the first year being fiscally responsible can be tough—but it will happen. We will provide a significant increase to the FDA this year, so they can implement some of what Senator DURBIN's amendment proposes, and quite simply, so they can hire inspectors where they are needed, to do the necessary research to prevent outbreaks from occurring wherever possible, and so we don't continue to see large recall notices in our newspapers every day. It is not a problem that can be fixed immediately, but I fully intend to meet my end of the obligation in making sure that FDA has the money that it needs, and can use responsibly, to tackle this problem head on.

Mr. DURBIN. 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. DURBIN. Madam President, pursuant to the unanimous consent request, I ask that the roll be called on amendment No. 1022.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1022, as modified, offered by the Senator from Illinois.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—94

Akaka	Durbin	Murkowski
Alexander	Ensign	Murray
Allard	Enzi	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	
Dorgan	Mikulski	

NOT VOTING—6

Biden	Dodd	Johnson
Brownback	Graham	McCain

The amendment (No. 1022), as modified, was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. VITTER. Madam President, I ask unanimous consent that the pending amendment be set aside and that I may call up amendment No. 983.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. KENNEDY. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. KENNEDY. I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 983

Mr. VITTER. Madam President, I renew my unanimous consent request that any pending amendment be set aside and that amendment No. 983 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes amendment numbered 983.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require counterfeit-resistant technologies for prescription drugs)

At the end of subtitle E of title II, insert the following:

SEC. ___. COUNTERFEIT-RESISTANT TECHNOLOGIES FOR PRESCRIPTION DRUGS.

(a) REQUIRED TECHNOLOGIES.—The Secretary of Health and Human Services shall require that the packaging of any prescription drug incorporate—

(1) radio frequency identification (RFID) tagging technology, or similar trace and track technologies that have an equivalent function;

(2) tamper-indicating technologies; and

(3) blister security packaging when possible.

(b) USE OF TECHNOLOGIES.—

(1) AUTHORIZED USES.—The Secretary shall require that technologies described in subsection (a)(1) be used exclusively to authenticate the pedigree of prescription drugs, including by—

(A) implementing inventory control;

(B) tracking and tracing prescription drugs;

(C) verifying shipment or receipt of prescription drugs;

(D) authenticating finished prescription drugs; and

(E) electronically authenticating the pedigree of prescription drugs.

(2) PRIVACY PROTECTION.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any information that may be used to

identify a health care practitioner or the prescription drug consumer.

(3) PROHIBITION AGAINST ADVERTISING.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any advertisement or information about prescription drug indications or off-label prescription drug uses.

(c) RECOMMENDED TECHNOLOGIES.—The Secretary shall encourage the manufacturers and distributors of prescription drugs to incorporate into the packaging of such drugs, in addition to the technologies required under subsection (a), overt optically variable counterfeit-resistant technologies that—

(1) are visible to the naked eye, providing for visual identification of prescription drug authenticity without the need for readers, microscopes, lighting devices, or scanners;

(2) are similar to technologies used by the Bureau of Engraving and Printing to secure United States currency;

(3) are manufactured and distributed in a highly secure, tightly controlled environment; and

(4) incorporate additional layers of nonvisible covert security features up to and including forensic capability.

(d) STANDARDS FOR PACKAGING.—

(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of prescription drugs, the Secretary shall require manufacturers of prescription drugs to incorporate the technologies described in paragraphs (1), (2), and (3) of subsection (a), and shall encourage manufacturers and distributors of prescription drugs to incorporate the technologies described in subsection (c), into multiple elements of the physical packaging of the drugs, including—

(A) blister packs, shrink wrap, package labels, package seals, bottles, and boxes; and

(B) at the item level.

(2) LABELING OF SHIPPING CONTAINER.—Shipments of prescription drugs shall include a label on the shipping container that incorporates the technologies described in subsection (a)(1), so that members of the supply chain inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

(e) PENALTY.—A prescription drug is deemed to be misbranded for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) if the packaging or labeling of the drug is in violation of a requirement or prohibition applicable to the drug under subsection (a), (b), or (d).

(f) TRANSITIONAL PROVISIONS; EFFECTIVE DATES.—

(1) NATIONAL SPECIFIED LIST OF SUSCEPTIBLE PRESCRIPTION DRUGS.—

(A) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a list, to be known as the National Specified List of Susceptible Prescription Drugs, consisting of not less than 30 of the prescription drugs that are most frequently subject to counterfeiting in the United States (as determined by the Secretary).

(B) REVISION.—Not less than annually through the end of calendar year 2010, the Secretary shall review and, as appropriate, revise the National Specified List of Susceptible Prescription Drugs. The Secretary may not revise the List to include fewer than 30 prescription drugs.

(2) EFFECTIVE DATES.—The Secretary shall implement the requirements and prohibitions of subsections (a), (b), and (d)—

(A) with respect to prescription drugs on the National Specified List of Susceptible Prescription Drugs, beginning not later than the earlier of—

(i) 1 year after the initial publication of such List; or

(ii) December 31, 2008; and

(B) with respect to all prescription drugs, beginning not later than December 31, 2011.

(3) AUTHORIZED USES DURING TRANSITIONAL PERIOD.—In lieu of the requirements specified in subsection (b)(1), for the period beginning on the effective date applicable under paragraph (2)(A) and ending on the commencement of the effective date applicable under paragraph (2)(B), the Secretary shall require that technologies described in subsection (a)(1) be used exclusively to verify the authenticity of prescription drugs.

(g) DEFINITIONS.—In this Act:

(1) The term ''pedigree''—

(A) means the history of each prior sale, purchase, or trade of the prescription drug involved to a distributor or retailer of the drug (including the date of the transaction and the names and addresses of all parties to the transaction); and

(B) excludes information about the sale, purchase, or trade of the drug to the drug consumer.

(2) The term ''prescription drug'' means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

Mr. VITTER. Madam President, first, in terms of laying the groundwork for this amendment, let me speak very briefly about the broader reimportation debate. I commend my colleagues who have brought this issue to the floor, and I certainly join them in pushing strongly for reimportation language in this bill. I have worked with many Members of this body, Republican and Democrat, on this issue since I was elected, including the primary authors of the reimportation amendment that we will be voting on later under this bill. I certainly want to join many voices, again, on both sides of the aisle, in terms of the need for this sort of important legislation that helps stabilize and bring down the price of prescription drugs.

My amendment, No. 983, to which I will now turn, is very directly related to that. It is not a reimportation amendment per se, but it goes directly to one of the primary issues that opponents of reimportation regularly bring up, which is safety. My amendment, No. 983, is about tamper-resistent technology—packaging technology—which can go a long way in meeting all of those safety concerns. I think there are many legitimate ways we can meet them, but this is a very effective and a very economical way to help meet any of those concerns.

This amendment, No. 983, would require the incorporation of counterfeit resistent technologies into the packaging of prescription drugs. Not just reimported prescription drugs, but all prescription drugs because counterfeit prescription drugs is an issue not simply with regard to reimportation. Specifically, wholesale prescription drugs would contain RFID radio-tagging technology, tamper-resistent packaging, and blister security packaging, when possible.

This is language directly from my legislation of the last Congress, the Reducing Fraudulent and Imitation Drugs Act. Of course, the purpose of that bill and this amendment is to address that safety concern, which comes up in a number of contexts, but certainly including reimportation. By ensuring that prescription drugs are authentic, this amendment would ensure the drug supply within the United States, as well as prescriptions reimported from Canada and other industrialized nations, are indeed safe.

Again, the amendment would require that such technologies be used exclusively to authenticate the pedigree of prescription drugs. It would actually prohibit such technologies from containing or transmitting any identifying information of a health care practitioner or consumer or any advertisement or information about indications or off-label uses. So it is specifically for authentication. This is what you are getting. It cannot be used for any other purpose that might bring up privacy or other concerns.

It would also require prescription drug shipments to include a label on the shipper container that incorporates similar packaging technologies.

Finally, the amendment would require the Secretary to publish a national specified list of susceptible prescription drugs consisting of not less than 30 of the most frequently counterfeited prescription drugs in the United States. This would provide significant assistance to efforts by U.S. law enforcement and the FDA to deal with this issue.

I hope all of us can join together around this very promising new technology that can help meet any legitimate safety concerns out there. Much more broadly speaking, of course, I certainly hope we come together to pass broad-based reimportation language in this bill, which I have supported well before coming to the Senate and, being in the Senate, certainly support in this context.

Mr. NELSON of Florida. Will the Senator yield?

Mr. VITTER. Certainly I yield.

Mr. NELSON of Florida. Certainly the Senator remembers when he and this Senator from Florida introduced an amendment a year ago to allow the importation of drugs from Canada for a limited supply, stated as 90 days or less, for personal use, and how we passed that here in the Senate. It was watered down once it got into conference in the House. It only allowed Americans going to and from Canada to carry drugs in that capacity—personal use, limited supply.

Now we are going to be approaching this, and I ask the Senator, he is joining on the Dorgan amendment on the reimportation as one of the cosponsors of this amendment, is that correct?

Mr. VITTER. I honestly do not know if I am technically a cosponsor. I am certainly supporting it. I supported our common efforts for several years. Many of the elements of my separate bill have been incorporated into the Dorgan-Snowe language, going back to last year. So we are certainly all working in concert.

I again recognize and thank the Senator from Florida for our common work on the amendment last year, which he referenced.

Mr. NELSON of Florida. If the Senator will further yield, does he remember in the debate we had when we agreed to that amendment, that Customs had even gotten into the act and was seizing thousands and thousands of these pharmaceutical packages for individual use and limited supply? Of course, in my State of Florida that happened with great frequency since a number of our senior citizens, in fact, do that. Finally we got Customs to come out and say they were no longer going to do that, they were going to defer it to the Food and Drug Administration. The Acting Administrator of the FDA had actually said no, they didn't have an objection to a limited supply for personal use, whether it was ordered by phone or Internet or by the mail, or someone walking across the border.

Isn't it interesting that after all of that—and we finally agreed to the amendment—we still come to the year 2007 and we are having to address this issue again?

Mr. VITTER. I agree with the Senator, absolutely. We should have taken care of this a long time ago. But we are where we are, and I certainly urge my colleagues on both sides of the aisle to address this in a full and comprehensive way.

Mr. NELSON of Florida. The Congressional Budget Office is estimating that this legislation is going to save consumers in this country $50 billion over the next 10 years because so often the price they get it for at the retail outlet here is twice what they can get it for from a Canadian pharmacy.

It has been a pleasure for me to work with the Senator. I look forward to working with Senator DORGAN on his amendment.

Mr. VITTER. I thank the Senator from Florida. I certainly have similar beliefs.

I urge adoption of this amendment I presented and certainly urge my colleagues to also support the broader reimportation language, as will I.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Wyoming.

Mr. ENZI. I thank the Senator from Louisiana for his patience on this amendment, and also his understanding that he would work with my staff and the staff of Senator KENNEDY to see what can be done to make our drug supply safer. I appreciate that.

I also thank him for all the efforts he has made on behalf of the Louisiana turtle farmers, which was a new industry to me—although they have been exporting turtles all over the world for years—for the work he did drafting and putting together a mechanism for eliminating salmonella in turtles so they can be, once again, pets in the United States.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to engage in a colloquy with my colleagues from Utah, New York, Massachusetts, and Wyoming on biologics. I thank every one of them for their cooperation and help as we move forward.

Mr. President, I rise today with my colleagues to speak about biologic drugs, a large and growing sector of the drug market. Biologic drugs can cost tens of thousands of dollars a year for a single patient, and treat devastating diseases such as cancer and its complications. There is currently no clear pathway for lower cost competitors to biologic drugs to enter the market, as there is for generic versions of traditional chemical drugs. I have introduced a bill to create such a pathway. I am glad to see my friends Senator KENNEDY, Senator ENZI, and Senator HATCH on the floor to discuss this issue with us. I yield to my colleague from Utah.

Mr. HATCH. I am happy to discuss this issue with my colleagues. As they are aware, this has been my high priority for a number of years, given that I am the author with Representative HENRY WAXMAN of the Drug Price Competition and Patent Term Restoration Act—or ''Hatch-Waxman''. The Schumer-Clinton bill, which I know has been introduced by Representative WAXMAN in the House, is an important contribution to this dialogue. I want to work to reach an acceptable compromise on an expedited basis, and it is clear to me it must be a bipartisan effort.

Mrs. CLINTON. I thank the Senator for his leadership on generic drugs and for his presence here today. In 1984 when the Hatch-Waxman generic drug law was written, very few biologic drugs existed and there was no need to empower the FDA to approve lower cost versions of existing biologic drugs. This is no longer the case and it is time to enact legislation that will allow the FDA to approve safe and effective follow-on versions of biotech drugs.

Mr. KENNEDY. I thank my colleagues and I agree that creating a pathway for follow-on biologics is an important issue worthy of our consideration.

Mr. SCHUMER. I say to Chairman KENNEDY, the junior Senator from New York and I stand ready to offer a bipartisan amendment to this bill that would establish a pathway for follow-on biologic drugs. We would prefer to work with you, and with the distinguished Senators from Wyoming and Utah. To that end, we would like to work together to discuss a pathway that protects patient safety, enables consumer access to more affordable biologic drugs, and provides appropriate incentives for continued innovation of lifesaving drugs.

Mrs. CLINTON. I agree with my friend Senator SCHUMER, and note with gratitude that the HELP Committee began bipartisan discussions on how to accomplish this goal. And while I was disappointed that follow-on biologic legislation was not included during committee consideration of S. 1082, it was in good faith that I did not offer an amendment with the understanding that our bipartisan efforts would continue.

As my colleagues and I move forward on this important effort, I think it is important to identify the key principles that must be contained in the legislation: We must provide the FDA with the authority and flexibility to approve biopharmaceuticals subject to a workable, abbreviated approval pathway that is efficient, effective and scientifically grounded. We must also include measures to ensure timely resolution of patent disputes, as well as adequate incentives for continued innovation.

Mr. KENNEDY. I assure the Senators from New York that the conference report on the FDA Revitalization Act will include a pathway to follow-on biologics that has been reported out of the HELP Committee and that is acceptable to the Senators from New York. I plan to hold a markup on this issue on June 13.

Mr. ENZI. The heart of the debate is how to construct a regulatory framework so that biologic drugs can be safely available under an accelerated pathway. It is more difficult to approve biosimilars than to approve generic versions of typical drugs. The balance we are trying to find is a compromise that promotes access with innovation, while also maintaining the high standards of safety at the Food and Drug Administration.

Biologics are complex molecules modeled after key processes occurring daily within the human body. One analogy is that if a typical drug was a 3 bedroom, 2 bath starter home, a biologic would be a skyscraper. The size, scope and complexity are completely different. The nomenclature is, too. As key scientists stated at our HELP Committee hearing on this topic, these are not generic biologics but biosimilars.

With many drugs, we can describe their structure with a high degree of precision—but not with follow-on biologics. You can't make an exact ''copy'' of a biologic, like you can for most typical generic drugs. For example, if I was to try to build the skyscraper of a biologic without the blueprints, as any generic company would need to do to create a follow-on biologic, I would have to ensure that every copy was identical or there could be fatal results.

Because of this, science must be an essential part of any safety standard.

One piece out of place would cause the entire structure to fall.

But to be clear, a safe pathway for an accelerated approval process for biologics, that also preserves innovation, is possible. It is not just me who believes it—the FDA, generic and pharmaceutical industries have all said so as well. I have been working across party lines with Senators HATCH, KENNEDY and CLINTON to develop legislation that does just that. Our staffs have been working tirelessly on this topic: individually meeting with experts and stakeholders; and as a group, talking with experts from the United States and global leaders. After all, we want the same end result—legislation that ensures medicines are safe and affordable, and that medical innovation continues to flourish.

I have a track record of working across party lines to build consensus and find common ground on tricky legislative issues. I know that with a little more time, and through regular order, we will develop a bipartisan package that accomplishes our common goals.

I concur with the chairman and am committed to moving a bipartisan bill through the HELP Committee in the near future with the goal that it can be joined with the conference on the FDA Revitalization Act.

Mr. HATCH. I look forward to working with my colleagues to include bipartisan follow-on biologics legislation in the conference agreement on the FDA Revitalization Act. It is clear that consumers would benefit tremendously from an abbreviated pathway for consideration of biosimilar products. Any effort, though, must be based on a sound understanding of the science involved and it must contain incentives for development of the innovator products which will be copied.

Mr. SCHUMER. I thank my colleagues for these commitments. I look forward to working together with Chairman KENNEDY, Senator ENZI, Senator CLINTON, and Senator HATCH to develop workable legislative language that can be scheduled for a June 13 markup in the HELP Committee and included in the FDA Revitalization Act conference report.

AMENDMENT NO. 1025

With that, I ask unanimous consent to set aside the pending amendment and send my amendment, a sense of the Senate, to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows.

The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, Mr. ENZI, Mr. HATCH, and Mr. KENNEDY, proposes an amendment numbered 1025.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to follow-on biologies)

At the end of the bill, add the following:

SEC. ___. SENSE OF THE SENATE WITH RESPECT TO FOLLOW-ON BIOLOGICS.

(a) FINDINGS.—The Senate finds the following:

(1) The Food and Drug Administration has stated that it requires legislative authority to review follow-on biologics.

(2) Business, consumer, and government purchasers require competition and choice to ensure more affordable prescription drug options.

(3) Well-constructed policies that balance the needs of innovation and affordability have broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) legislation should be enacted to—

(A) provide the Food and Drug Administration with the authority and flexibility to approve biopharmaceuticals subject to an abbreviated approval pathway;

(B) ensure that patient safety remains paramount in the system;

(C) establish a regulatory pathway that is efficient, effective, and scientifically-grounded and that also includes measures to ensure timely resolution of patent disputes; and

(D) provide appropriate incentives to facilitate the research and development of innovative biopharmaceuticals.

Mr. SCHUMER. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is agreeing to the amendment of the Senator from New York.

The amendment (No. 1025) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ENZI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank all of our colleagues for their cooperation and their help on this particular subject matter. It is a matter of enormous importance, incredible consequence, and enormous complexity. We thank them for all of their help and assistance in bringing us to where we are so that the Members understand better where we are. We are absolutely committed to having that hearing and having the results of that go into our conference.

I am enormously appreciative of the patience and the cooperation we have received. I am grateful again to all of those here, colleagues on both sides, for their cooperation in helping us move this forward.

I thank the Senator from Utah. I want to congratulate him. He is receiving an honorary degree tomorrow from a great university in his State. We were talking about biologics. We think of the Hatch-Waxman proposal and acknowledge his work, attention, and help in the fashioning of that important piece of legislation, particularly when we are thinking about his involvement in the biologics, a clear indication we are going to have some good bipartisan support and we are going to have a team that has a breadth of knowledge and understanding of these kinds of subject matters. We wish him well on his trip to Utah and congratulate him on his degree tomorrow.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I will yield.

Mr. HATCH. Mr. President, I thank my dear friend and colleague. It is so nice of him to say that. I take tremendous interest in this bill, as I do every piece of legislation, but this bill in particular.

I congratulate the chairman and the ranking member for the way they have conducted not only the committee through this process but this bill itself. I hope this bill will pass and that we can correct whatever needs to be corrected, and that we will be able to do this follow-on biological work together. If we can do that, this will be a major breakthrough bill, and will do a great deal of good for the FDA. If that happens, then I think the chairman and the ranking member deserve a great deal of credit. I am very grateful my friend from Massachusetts has been so kind to me today.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I add my thanks to the chairman and ranking member of the HELP Committee for all of their help and constructive resolution of this. It allows us to pass a very important FDA bill and at the same time move on the biologics.

I join my colleague from Massachusetts in congratulating my friend from Utah on his honorary degree. He will get a doctorate, I imagine, and perhaps after he will not only get an honorary degree and be a doctor but maybe he can even create a few biologics after we pass the law.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, to say the distinguished Senator from New York knows how to stick it to a person on the floor is all I can say.

I am grateful for this friendship and grateful for his and Senator CLINTON's work on this as well, and willingness to work together in a bipartisan way. This is big-time stuff. If we get it right, it will surely do a lot of good, as Hatch-Waxman has done over the last 23 years.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JACK VALENTI

Mr. DOMENICI. Mr. President, I was present yesterday at the funeral mass at St. Matthew's for Jack Joseph Valenti. I did not know he had a middle name, Joseph, but I am learning more

and more about him now after his passing. I was a friend of his. I thought I knew much about him. But the more I read, the more I find out what a spectacular man and a marvelous life he lived.

I thought I would share with the Senate, since somebody said at the mass, as they were permitted to speak—they were one of the few who were selected—I would bet that everybody in this church would like to come up here and be given 10 minutes to say something about their friend Jack Valenti.

That person who said that was absolutely right. That is exactly how I felt sitting there: Wouldn't it be nice if I could walk up there and tell all of these people and whoever else was listening, share what I knew about him. Of course, that was not to be.

But today I am going to do that in the Senate for a few minutes, and tell the Senate about how this man, who was known to try to help everybody in very different circumstances, how he came to know me and how I came to know him.

I was elected in 1972, and of course right now it sort of goes by easy; my last name is Italian. You know it was pretty well understood when I was elected that I was Italian—DOMENICI from out in the West, when all of the Italians who are in politics are from out here in the East, from New York, New Jersey. People wondered: Where did that guy come from?

Well, the truth is, Jack Valenti also wondered. He called me on the telephone and said: Are you PETE DOMENICI, the new Senator?

I said: Yes, sir. He told me who he was. He said: You know, I don't know you, you don't know me, but you probably could easily find out who I am. All I want to tell you is: I would like to help you.

Now, we are thousands of miles away. I have never seen him. I was elected. He is telling me on the phone: I would sure like to help you if I can.

Of course, I said: Give me your phone number and let me get ahold of you. By the time I asked a few people, they said: You are lucky. He is one of the people in Washington who knows more about what is going on here, than the man who called you.

I quickly arranged a meeting at the Willard Hotel. It was prior to its remodeling so it wasn't as nice as it is today. But I didn't know better. I made arrangements there. Then I invited him to come and visit. Here comes Mr. Valenti to come and meet me there at the Willard Hotel. I mean, it was a joyous occasion. You would have thought I was a long-lost relative. It was all because he was glad to see a young Italian boy get elected to the Senate. He came from an immigrant Italian family himself.

So we talked. He said: Well, let me try to help you. I would like to tell you what his first offer was. Let's go meet some people and see what we can do about talking about the committee assignments you might get.

I told him: Here is the one I want. I want the Joint Committee on Atomic Energy, because that has a lot to do with my State. So we talked and we worked. Sure enough, we were making a little headway and we read that the House had had a meeting of leadership and they had decided there would no longer be a Joint Committee on Atomic Energy so they abolished it. So all of my work and all of his work was for naught, because we decided we were not going do business in a joint manner on atomic energy.

But what a joy it was, the first meeting—not successful in terms of our mission but greatly successful in terms of establishing our friendship.

I will mention two things in my life and then yield to the Senator.

Years later, one of my sons was working here in Washington. Some people know him. His name is David. He had established and built a charter school here, a school in town that ended up being called Maya Angelou School, a school named after the great poet laureate. And, of course, as you would guess from the name of the school, it was sort of a special school. It was a charter school my son started with the help of another man, and it was for the purpose of taking the troubled young teenagers, who were either going to jail, because they had already done enough bad things, criminal things, they were going to jail, or the judge would assign them to this school.

This son of mine built this charter school. It got to be a pretty good size. At a point in time he was opening a new building, and he called me and talked to me and said: You know, maybe I could get some help from somebody for some computers for these students.

This is my second meeting with my friend. I called him up and said: I would like you to meet my son David. I told him why. He said: Of course. They met, talked on the telephone. Within a very short period of time, the charter school I am describing to you, which was a very difficult thing for my son and his friend to run—had a great success. He opened two of them; two of them exist in Washington now. But, lo and behold, shortly after this meeting and our discussion with Mr. Valenti, the computers that were needed for the school to totally fill out all of the computer needs arrived as a special donation from somebody.

Well, of course, we know the somebody. We found out later our friend Mr. Valenti worked to get in touch with those who could help donate to these students' needs.

He is gone now, but we do not know how many thousands of things like this he did during his life, along with the other things that are more notorious that he did in his job, which was a very open and public job for many years of his life, and a hard one when he worked for the motion picture industry. So we do not know how many people he helped. But I thought maybe I would borrow this few minutes of the Senate's time to put down my thoughts for his wife, who I obviously did not know as well as I knew him. But I did get to know her. I saw her at the funeral. Of course, she is having a difficult time. I do not know their children. I did have a chance to talk to his wife and say I hope that everything went well. I think it will. With this, I say maybe no one else in the Senate will do this, but as part of my day, I salute Mr. Jack Valenti for all he did, and I am very grateful I had the chance to say a few words about him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend from New Mexico. I had the good opportunity to attend that service as well. I will include my comments about Jack Valenti. He was a dear and valued friend of the Kennedys. We went back a long time with Jack, to the 1960 campaign. It was a long friendship, that endured a lot of very glorious times and difficult and challenging ones as well. He was a person of great purpose, with a love for his country, devotion to his industry, which he represented so effectively, and a wonderful friend to many of us. I thank the Senator for his comments.

Mr. President, for the benefit of our Members here, we are going to recess shortly and go over to 9:30 tomorrow morning. The hour before the cloture vote will run from 9:30 to 10:30, and we will yield a half hour on our side to the proponent of the amendment, Senator DORGAN. Then at 10:30 or just about 10:30 we expect we will have a roll call vote on the Dorgan amendment, or the motion to invoke cloture on the Dorgan amendment. Then, depending on how that comes out, we will move ahead to hopefully conclude work on some of the items we have had good discussions about today—the Stabenow amendment. I am grateful to Senator STABENOW. We spoke about this earlier in the day. We have worked with her and made some very important progress and are grateful to her for her cooperation.

We indicated now to the membership how we are going to proceed on the extremely important item of biologics. We now have the drug safety. We have enhanced this bill with food safety. We are going to address in our conference the issue of biologics. This is going to be an extremely important pathway. We have been working with Senator ROBERTS and Senator HARKIN on the direct consumer advertising issue. There are some very important constitutional issues. I am grateful to Senator ROBERTS for his cooperation and help. Senator KOHL has an amendment on reverse payments. There is Senator VITTER's amendment and potentially one or two others that Members have indicated they are giving thought to offering, but haven't decided whether they would.

We are getting close to the end of this, but we still have important matters to do. We are going to try to work with our colleagues. We have made great strides in the evenings. I am very grateful to Senator ENZI and particularly to our staffs who have, each evening, including through the weekend, worked tirelessly to try and ease the differences on many of these amendments and have done a brilliant job. This legislation is extraordinarily important. We have had several amendments, important amendments, but we have also worked out some others that have strengthened the legislation.

In a few moments, we will go into adjournment until tomorrow. But Senators should look forward to the debate at 9:30 and vote at 10:30 on the cloture petition relative to the Dorgan amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the information of the Members, there will be no further votes this evening.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be set aside for the consideration of amendment 988.

Mr. KENNEDY. If the Senator would withhold, we have a pending amendment. I will have to object until we clarify exactly where we are. Would the Senator give us 30 seconds?

Mr. INHOFE. That would be fine. My intention was to set aside the pending amendment so I could consider this. Then set this aside and go back to the pending amendment.

Mr. KENNEDY. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 988

Mr. INHOFE. I thank the Senator from Massachusetts for his tolerance.

Mr. President, I introduced last year a bill I called the Child Medication Safety Act. We are offering it as an amendment to this underlying bill. It is my anticipation that we will get a vote on it ultimately. This is to protect children and their parents from being coerced into administering a controlled substance or psychotropic drug in order to attend school. The House passed their version of H.R. 1790 by 407 to 12 under suspension of the rules in November of 2005.

Parents today face many challenges when raising their children, one of which is ensuring that their children receive the best education possible. My views on education come from a somewhat unique perspective in that my wife Kay was a teacher at Edison High School. My daughters are both teachers. I can assure my colleagues that I am one of the strongest supporters of quality education. However, it has come to my attention that schools have been acting as physicians or psychologists by strongly suggesting that children with behavioral problems be put immediately on some form of psychotropic drugs. Schools and teachers are not equipped to make these diagnoses and should make it mandatory for the student to continue attending the school. This is clearly beyond their area of expertise. Therefore, I am introducing this legislation to ensure that parents are not required by school personnel to medicate their children.

The Child Medication Safety Act requires, as a condition of receiving funds from the Department of Education, that States develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription as a condition of attending school. It should be noted that this bill does not prevent teachers or other school personnel from sharing with parents or guardians classroom-based observations regarding a student's academic performance or regarding the need for evaluation of for special education.

Additionally, this bill calls for a study by the Comptroller General of the United States reviewing: No. 1, the variation among States in the definition of psychotropic medication as used in public education; No. 2, the prescription rates of medication used in public schools to treat children with attention deficit disorders and other such disorders; No. 3, which medications listed under the Controlled Substances Act are being prescribed to such children; and, No. 4, which medications not listed under the Controlled Substances Act are being used to treat these children and their properties and effects. This GAO report is due no later than 1 year after enactment of this act.

I believe it is an extremely important amendment. It protects the rights of our children against improper intrusion regarding health issues by those not qualified. If a parent or guardian believes their child is in need of medication, then they ought to have the right to make that decision and consult with a licensed medical practitioner who is qualified to prescribe an appropriate drug. I am hoping others will join me in support of the amendment. It is a parental rights amendment that should be supported by all.

With that, it is my intention that we will be putting this in line to get a vote. I ask unanimous consent now to return to the previous pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator for his cooperation. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I understand the Senator from Oklahoma wants to go into morning business to make a statement. I ask unanimous consent that after he has completed his statement, that I be recognized for purposes of offering my Internet pharmacy protection and safety bill to the underlying bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, may I ask a point of inquiry of the Senator from Massachusetts. Apparently the desk is not in agreement with what we did. We set aside the pending amendment for consideration of my amendment which I brought up and presented. Then we returned to that amendment. I would like to ask the Chair if that is accurate.

The PRESIDING OFFICER. The Senator did not offer his amendment. The Senator may offer his amendment, but it was not offered.

Mr. KENNEDY. I ask unanimous consent that his amendment be at the desk and be subject to being called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 988.

Mr. INHOFE. 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 protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes)

SEC. . CHILD MEDICATION SAFETY.

(a) REQUIRED POLICIES AND PROCEDURES.—

(1) IN GENERAL.—As a condition of receiving funds under any program or activity administered by the Secretary of Education, not later than 1 year after the date of enactment of this section, each State shall develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or a psychotropic drug as a condition of attending school or receiving services.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic performance or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under section 612(a)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(3)).

(3) PROHIBITION OF PAYMENT OF FUNDS.—No Federal education funds may be paid to any local educational agency or other instrument of government that uses the refusal of a parent or legal guardian to provide a substance covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or a psychotropic drug for such individual's child

as the basis of a charge of child abuse, child neglect, education neglect, or medical neglect until the agency or instrument demonstrates that it is no longer using such refusal as a basis of a child abuse, child neglect, education neglect, or medical neglect charge.

(b) DEFINITIONS.—In this section:

(1) CHILD.—The term ''child'' means any person within the age limits for which the State provides free public education.

(2) PSYCHOTROPIC DRUG.—The term ''psychotropic drug'' means a drug subject to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that is not a substance covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) but is—

(A) used in the diagnosis, treatment, or prevention of a disease; and

(B) intended to have an altering effect on perception, emotion, or behavior.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) GAO STUDY AND REVIEW.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a review of—

(A) the variation among States in definitions of psychotropic medications as used in regard to State jurisdiction over public education;

(B) the prescription rates of medications used in public schools to treat children diagnosed with attention deficit disorder, attention deficit hyperactivity disorder, and other disorders or illnesses;

(C) which medications used to treat such children in public schools are listed under the Controlled Substances Act; and

(D) which medications used to treat such children in public schools are not listed under the Controlled Substances Act, including the properties and effects of any such medications, including the incidence of hallucinations, psychosis, violence, suicide, heart problems, significant weight gain, or diabetes that students may experience while on these medications.

(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall prepare and submit a report that contains the results of the review under paragraph (1).

Mr. INHOFE. I do apologize to the managers of the bill as well as to the Chair. It was my understanding that I actually had that done previously. With that, if it is proper form now to get into the mix, I ask unanimous consent that I be permitted to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1269 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. I thank the managers of this bill for giving me this time to make this presentation.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand that I may go forward. I appreciate the courtesy of the Senator from Massachusetts.

AMENDMENT NO. 993

(Purpose: To provide for the regulation of Internet pharmacies)

Madam President, today we have been discussing, at some depth, and appropriately so, how to protect American citizens who purchase drugs overseas—from overseas pharmacies or from Canadian pharmacies—or purchase drugs on the Internet. This is a very significant issue for Americans, especially as more and more Americans use the Internet for the purposes of buying all sorts of items, including pharmaceuticals.

So we need to be sure this extraordinary regime we have set up in this country stays intact that allows a person, when he or she goes into an American drugstore or goes into an American supermarket, to be fairly confident the product they buy is not adulterated and the product they buy is what it says it is and that in the instance of a pharmaceutical or a medication, it is going to be what the doctor told them to take. That has been one of the great successes of American Government. It is because the Food and Drug Administration is overseeing this effort to protect the food supply and the pharmaceutical supply.

Whether the Food and Drug Administration has the wherewithal, the legal ability, and the technical and physical ability to protect an American who buys an overseas product, a medicine, and imports it into the United States is very much an issue. The FDA is very concerned about their capacity to police effectively drugs coming into this country, especially over the Internet.

So I have an amendment to this bill which basically is the Safe Internet Pharmaceutical Act, the purpose of which is to give the FDA the authority necessary to protect people who are buying pharmaceutical products over the Internet. This is, in my opinion, very important.

The importance of this has only been further stressed and exemplified by a warning that came out today, fortuitously, from the FDA on the issue of Internet pharmacies. I want to read extensively from this warning because it goes to the essence of the debate we have heard on the floor, especially from Senators supporting the proposal from the Senator from North Dakota relative to reimportation and safety and their representation that it is safe to buy over the Internet and that their amendment will make it legal to buy drugs from outside the United States over the Internet through their reimportation language.

This warning from the FDA states as follows: ''FDA Warns Consumers about Counterfeit Drugs from Multiple Internet Sellers.'' I am going to read quite a bit of the text because I think, first, it is so on point and it is so important:

The Food and Drug Administration (FDA) is cautioning U.S. consumers about dangers associated with buying prescription drugs over the internet. This alert is being issued based on information the agency received showing that 24 apparently related Web sites may be involved in the distribution of counterfeit prescription drugs.

On three occasions during recent months, FDA received information that counterfeit versions of—

I may not get all these medical terms correct, but I hope I do.

On three occasions during recent months, FDA received information that counterfeit versions of Xenical 120 mg capsules, a drug manufactured by Hoffmann-LaRoche Inc. (Roche), were obtained by three consumers from two different Web sites. Xenical is an FDA-approved drug used to help obese individuals who meet certain weight and height requirements lose weight and maintain weight loss.

None of the capsules ordered off the Web sites contained orlistat, the active ingredient in authentic Xenical. In fact, laboratory analysis conducted by Roche and submitted to the FDA confirmed that one capsule contained sibutramine, which is the active ingredient in Meridia, an FDA-approved prescription drug manufactured by Abbott Laboratories.

While this product is also used to help people lose weight and maintain that loss, it should not be used in certain patient populations and therefore is not a substitute for other weight loss products. In addition the drug interactions profile is different between Xenical and sibutramine, as is the dosing frequency; sibutramine is administered once daily while Xenical is dosed three times a day.

Other samples of drug product obtained from two of the Internet orders were composed of only talc and starch. According to Roche, these two samples displayed a valid Roche lot number of B2306 and were labeled with an expiration date of April 2007. The correct expiration date for this lot number is actually March 2005.

Pictures of the counterfeit Xenical capsules can be seen on the Web site at FDA. I would note they look exactly like the Xenical that is legitimate. We had a Senator here earlier holding up two prescription bottles of, I think it was Lipitor, saying: These two bottles are exactly the same, and one could be bought in Canada for about a third of what it costs in the United States. Well, you can buy this Xenical over the Internet for probably about a third of what it costs in the United States. The only problem is it might kill you. I am going to read further:

Roche identified the two Web sites involved in this incident as brandpills.com and pillspharm.com. Further investigation by FDA disclosed that these Web sites are two of 24 Web sites that appear on the pharmacycall365.com home page under the ''Our Websites'' heading. Four of these Web sites previously have been identified by FDA's Office of Criminal Investigations as being associated with the distribution of counterfeit Tamiflu and counterfeit Cialis.

At this point, it appears that these Web sites are operated from outside of the United States. Consumers should be wary, if there is no way to contact the Web site pharmacy by phone, if prices are dramatically lower than the competition, or if no prescription from your doctor is required. As a result, FDA strongly cautions consumers about purchasing drugs from any of these Web sites which may be involved in the distribution of counterfeit drugs and reiterates previous public warnings about buying prescription drugs online.

Then it lists the 24 Web sites, and some of them have very seductive

names: ''Pharmacea.org,'' ''MensHealthDrugs.net,'' ''MediClub.md''—very seductive names, in order to draw people into purchasing drugs on these sites.

Madam President, I ask unanimous consent that this press release from the FDA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the FDA News, May 1, 2007]

FDA WARNS CONSUMERS ABOUT COUNTERFEIT DRUGS FROM MULTIPLE INTERNET SELLERS

The Food and Drug Administration (FDA) is cautioning U.S. consumers about dangers associated with buying prescription drugs over the Internet. This alert is being issued based on information the agency received showing that 24 apparently related Web sites may be involved in the distribution of counterfeit prescription drugs.

On three occasions during recent months, FDA received information that counterfeit versions of Xenical 120 mg capsules, a drug manufactured by Hoffmann-La Roche Inc. (Roche), were obtained by three consumers from two different Web sites. Xenical is an FDA-approved drug used to help obese individuals who meet certain weight and height requirements lose weight and maintain weight loss.

None of the capsules ordered off the Web sites contained orlistat, the active ingredient in authentic Xenical. In fact, laboratory analysis conducted by Roche and submitted to the FDA confirmed that one capsule contained sibutramine, which is the active ingredient in Meridia, an FDA-approved prescription drug manufactured by Abbott Laboratories.

While this product is also used to help people lose weight and maintain that loss, it should not be used in certain patient populations and therefore is not a substitute for other weight loss products. In addition the drug interactions profile is different between Xenical and sibutramine, as is the dosing frequency; sibutramine is administered once daily while Xenical is dosed three times a day.

Other samples of drug product obtained from two of the Internet orders were composed of only talc and starch. According to Roche, these two samples displayed a valid Roche lot number of B2306 and were labeled with an expiration date of April 2007. The correct expiration date for this lot number is actually March 2005. (Pictures of the counterfeit Xenical capsules provided by Roche can be viewed at http://www.fda.gov/bbs/topics/news/photos/xenical.html.)

Roche identified the two Web sites involved in this incident as brandpills.com and pillspharm.com. Further investigation by FDA disclosed that these Web sites are two of 24 Web sites that appear on the pharmacycall365.com home page under the ''Our Websites'' heading. Four of these Web sites previously have been identified by FDA's Office of Criminal Investigations as being associated with the distribution of counterfeit Tamiflu and counterfeit Cialis.

At this point, it appears that these Web sites are operated from outside of the United States. Consumers should be wary, if there is no way to contact the Web site pharmacy by phone, if prices are dramatically lower than the competition, or if no prescription from your doctor is required. As a result, FDA strongly cautions consumers about purchasing drugs from any of these Web sites which may be involved in the distribution of counterfeit drugs and reiterates previous public warnings about buying prescription drugs online [Consumers are urged to review the FDA Web page at www.fda.gov/buyonline/ for additional information prior to making purchases of prescription drugs over the Internet.]

The 24 Web sites appear on pharmacycall365.com: AllPills.net, Pharmacy–4U.net, DirectMedsMall.com, Brandpills.com, Emediline.com, RX-ed.com, RXePharm.com, Pharmacea.org, PillsPharm.com, MensHealthDrugs.net, BigXplus.net, MediClub.md, InterTab.de, Pillenpharm.com, Bigger-X.com, PillsLand.com, EZMEDZ.com, UnitedMedicals.com, Best-Medz.com, USAPillsrx.net, USAMedz.com, BluePills-Rx.com, Genericpharmacy.us and I-Kusui.jp.

Mr. GREGG. It is, of course, ironic that in the middle of this debate over how you make safe drugs that Americans are purchasing, and assure that the FDA has the proper oversight, that the FDA would be issuing this warning. It is a coincidence. The FDA did not do it because we are in the middle of this debate. They did it because they had received the necessary information to fairly well substantiate that at least in three incidents the medication that was purchased was not the medication that was approved by the FDA, even though it was represented as that medication, even though it came in a bottle that looked exactly like that medication, even though it had a tamperproof seal, and it had a label and a date as to when that medication would expire and a lot number. So it certainly looked legitimate. So this just confirms the concern which many of us have that we have to set up a regime where the FDA can properly review what is happening relative to drugs that are being purchased over the Internet, especially. It is not impossible to do that. In fact, it is very doable. That is why I will offer this amendment.

The amendment I will offer basically sets up a system whereby the FDA will require that pharmaceutical products sold over the Internet be subject to the jurisdiction of the United States and that they get an FDA seal of approval which is tamper-proof. So if a citizen wants to use a pharmaceutical site, he or she can go on line and call up a pharmaceutical site, such as drugs.com or whatever—that may actually be a site, so I probably shouldn't use that term—but a site where you think you can purchase drugs at a better price than what you are going to have to pay for them somewhere else, they will see on that Web site a seal like the Good Housekeeping Seal of Approval, only it will be a tamper-proof seal which will reflect the fact that the FDA monitors that site, monitors that pharmacy.

Also, the pharmacy has subjected itself to American jurisdiction, so that if there is an illegal act, they can be prosecuted, or if there are issues of liability, they can be sued; also, that there is contact information which is based in America relative to that and that there is a searchable database where you can go in and find out what that pharmacy has done in the past relative to its prescription-filling activity.

This would all be supported by a fee system which gives the FDA the resources to accomplish this type of monitoring. It really seems like the most logical thing to do.

There is no way you can stop the imagination and desire of the American people to get the best price. That is part of the essence of our character. So it is reasonable that Americans are going to use online pharmacies, but we have to make sure we have a system where we do not have one approval process for legitimate purchasing of drugs through pharmaceutical activity at your local pharmacy and then another process for purchasing drugs which has absolutely no oversight from the FDA if you purchase on the Internet. We have to make sure that if you are using an Internet site, the site has been subject to the same review as the local pharmacy down at the corner is subject to, relative to the quality and management of that pharmaceutical product they are selling. That is what this amendment does.

I hope no one will object to it, but I know other people will. But they shouldn't because this is really something whose time has come. So I am going to offer this amendment tonight. It is timely, of course, in light of this FDA warning which says there are potentially 24 Web sites they have identified, at least 3 of which are selling adulterated drugs, that they know of, which could seriously harm and possibly, if taken in the wrong dosage, since they aren't the proper drug, actually do more than just harm you, they could permanently injure you.

In light of that warning which came out today, it is totally reasonable and appropriate that the Congress should certainly, if it is going to do a drug safety bill relative to the FDA, include in it an Internet pharmacy safety regime which will give the American people some confidence that when they go on line to purchase a drug on line, the site, the portal they are purchasing it through, is subject to FDA review and the drug they are purchasing is an FDA-approved drug, which is made clear by having this tamper-proof seal of approval. It would also reflect the fact that the FDA actually has physical oversight over that pharmacy, that online pharmacy, and gives the FDA the resources to do that oversight. You can't just say: Go and do it, if they don't have the money to do it; you have to give them the resources to do it.

In addition, it sets up a one-stop shopping site at the FDA where people can go on line to the FDA site, check out that Internet pharmacy, if they wish, and make sure the Internet pharmacy does qualify and does carry FDA-approved drugs.

I think it is a very proper approach. It is something, as I mentioned, which is clearly timely in light of this FDA warning.

Madam President, at this time, I ask unanimous consent that the pending

amendment be set aside and that I may call up amendment No. 993 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. COLEMAN, proposes an amendment numbered 993.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, May 1, 2007, under ''Text of Amendments.'')

Mr. GREGG. I thank my colleagues for allowing me to go forward at this time.

Madam President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1010

Mr. MENENDEZ. Madam President, I rise today to talk about an issue of great importance but also of great concern: the importation of prescription drugs.

In their search for more affordable prescription drugs, many Americans have turned to pharmacies in other countries, either via the Internet or trips across the border. While I certainly understand their need for affordable drugs, I do have concerns about this particular solution. We must find a way to ensure that the drugs Americans are buying are safe.

I believe the Cochran amendment will do just that. Senator COCHRAN's amendment allows importation to take effect only if the Health and Human Services Secretary can ensure that it will pose no additional risk to the public health and result in a significant reduction in the cost of prescription drugs. So with this amendment, we get safe drugs at a reduced price, and our ultimate objective is achieved.

Looking closely at the issue of safety, I am also concerned about the importation of counterfeit drugs. Americans deserve to know the label on the bottle—we have seen colleagues put bottles up and show differences. Well, Americans deserve to know the label on the bottle matches the pills inside they are taking. The only way to ensure that is to provide strong protections. We have all heard horror stories about innocent Americans, starved for cheaper prescription drugs, going online or getting in their cars to go to foreign pharmacies to buy their medications. They are coming back home with what they think is their usual medication, but the reality might be quite different.

A recent New York Times article talked about the increasing number of counterfeit drugs. While in the past we may have noticed a misspelled label or off-color pill, today's counterfeit drugs are largely undetectable. The pills look correct, the cardboard boxes are the same, even the blister packaging and foil backing are all normal. But this is not your grandmother's forged medication. These are modern, scary, life-threatening tactics that place American lives in great danger.

While the supporters of the underlying amendment believe their proposal addresses some of these concerns, there are a number of safety concerns that I believe must be addressed by the Secretary of Health and Human Services, and that is why the Cochran amendment is so important.

The underlying proposal would undo current safety protections that ensure Americans are getting products that are essentially the same substance and quantity as what their doctor has prescribed.

While the proposal requires an importer to retain samples of products, it does not require that those be tested to ensure the drugs are the same as what the doctor ordered.

The proposal does not require that imported drugs be approved in their country of origin. It relies only on a paper trail to enforce chain-of-custody requirements, leaving consumers susceptible to unscrupulous dealers who can simply forge documents or copy anticounterfeit technology.

While supporters of the proposal claim that they give FDA the authority to conduct inspections of foreign manufacturing plants, the reality is that the United States would actually have to get permission for those inspections from foreign countries, and that is assuming we can even trace the purchase of those products to their country of origin in the first place.

Importers are not required to disclose the origin of the products they sell, so consumers would have no way to opt out if they wanted to ensure they were getting Food and Drug Administration-approved products.

Finally, the underlying amendment allows importation from far more than just Canada. Written into the proposal is permission to import from Canada and other countries, including certain countries in the EU, even if the drugs leave the chain of custody of the manufacturer or fall outside of the Food and Drug Administration's jurisdiction. Because of the EU structure, we would actually be opening ourselves to drugs from countries such as Latvia, Estonia, and other recent additions to the EU. Some of these countries from the former Soviet Union have counterfeit rates up to 20 percent.

The Cochran amendment would ensure these safety concerns are resolved and that the Government provides for the protection of the public's health and safety.

Now, in my mind, as we have this debate, the real problem is affordability of prescription drugs, and the real solution to that problem is expanding access to affordable drugs in the United States. In that effort, I take a back seat to no one. But at the same time, I strongly believe we must also protect the health and safety of those we represent.

These two goals are not mutually exclusive. We can and must do both. I believe this amendment—the Cochran amendment—accomplishes what we all want, which is expanding access to safe, affordable drugs. I encourage my colleagues to support the Cochran amendment.

AMENDMENT NO. 1011

Mr. KOHL. Madam President, I rise today to join Senators STABENOW, LOTT, BROWN, and THUNE in offering amendment No. 1011. This amendment will help speed the introduction of cost-saving generic drugs by preventing abuses of the Food and Drug Administration citizen petition process.

Consumers continue to suffer all across our country from the high—and ever rising—cost of prescription drugs. A recent independent study found that prescription drug spending has more than quadrupled since 1990, and now accounts for 11 percent of all health care spending. At the same time, the pharmaceutical industry is one of the most profitable industries in the world, returning more than 15 percent on their investments.

One key method to bring prescription drug prices down is to promote the introduction of generic alternatives to expensive brand name drugs. Consumers realize substantial savings once generic drugs enter the market. Generic drugs cost on average of 63 percent less than their brandname equivalents. One study estimates that every 1 percent increase in the use of generic drugs could save as much as $4 billion in health care costs.

This is why I have been so active in pursuing legislation designed to combat practices which impede the introduction of generic drugs. The amendment offered today, includes provisions based on legislation that I first introduced with Senator LEAHY in the last Congress, and targets one particularly pernicious practice by brandname drug companies to impede or block the marketing of generic drugs—abuse of the FDA citizen petition process.

FDA rules permit any person to file a so-called citizen petition to raise concerns about the safety or efficacy of a generic drug that a manufacturer is seeking FDA approval to bring to market. While this citizen petition process was put in place for a laudable purpose, unfortunately in recent years it has been abused by frivolous petitions submitted by brandname drug manufacturers, or individuals acting at their behest, whose only purpose is to delay the introduction of generic competition. The FDA has a policy of not granting any new generic manufacturer's drug application until after it has

considered and evaluated any citizen petitions regarding that drug. The process of resolving a citizen petition, even if ultimately found to be groundless, can delay the approval by months or years. Indeed, brandname drug manufacturers often wait to file citizen petitions until just before the FDA is about to grant the application to market the new generic drug manufacturer's solely for the purpose of delaying the introduction of the generic competitor for the maximum amount of time possible. This gaming of the system should not be tolerated.

In recent years, FDA officials have expressed serious concerns about the abuse of the citizen petition process. In 2005, FDA Chief Counsel Sheldon Bradshaw noted that ''[t]he citizen petition process is in some cases being abused. Sometimes, stakeholders try to use this mechanism to unnecessarily delay approval of a competitor's products.'' He added that he found it ''particularly troublesome'' that he had ''seen several examples of citizen petitions that appear designed not to raise timely concerns with respect to the legality or scientific soundness of approving a drug application, but rather to delay approval by compelling the agency to take the time to consider the arguments raised in the petition, regardless of their merits, and regardless of whether the petitioner could have made those very arguments months and months before.''

And a simple look at the statistics gives credence to these concerns. Of the 21 citizen petitions for which the FDA has reached a decision since 2003, 20—or 95 percent of them—have been found to be without merit. Of these, 10 were identified as ''eleventh hour petitions''—defined as those filed less than 6 months prior to the estimated entry date of the generic drug. None of these 10 ''eleventh hour petitions'' were found to have merit, but each caused unnecessary delays in the marketing of the generic drug by months or over a year, causing consumers to spend millions and millions of dollars for their prescription drugs than they would have spent without these abusive filings.

Among other things, our amendment will, for the first time, require all those who file citizen petitions to affirm certain basic facts about the truthfulness and good faith of the petition, similar to what is required of every litigant who makes a filing in court. Our amendment also includes a provision from my bill that directs the HHS that all citizen petitions on generic drug applications be adjudicated within 6 months of filing, which will put an end to excessive delays in bringing needed generic drugs to market because of the filings of these petitions.

While I strongly support this amendment and I am pleased that many of my provisions were included, I do wish the amendment could have gone even farther and include my provision to allow the Department of Health and Human Services—the FDA's parent agency—the power to sanction those who abuse the process. While this proposal would not have an effect on any person filing a truly meritorious citizen petition, this provision would serve as a strong deterrent to attempts by brand name drug manufacturers or any other party that seeks to abuse the citizen petition process to thwart competition. Having said that, I do believe our amendment today is an important step in the right direction to remove a significant obstacle exploited by brand name drug companies to prevent or delay the introduction of generic drugs. I urge my colleagues to support this amendment.

AMENDMENT NO. 1016

Mr. SPECTER. Madam President, the Food and Drug Administration Revitalization Act is an important step toward protecting American consumers and patients and ensuring the safety of prescription drugs. To increase the safety and efficacy of prescription drug approval, I will offer an amendment to establish the National Centers of Pharmaceutical Innovation. These Centers, in consultation with the Food and Drug Administration, FDA, Commissioner, will modernize medical product development and enhance product safety.

I am very concerned about long delays and the safety of bringing new drugs to patients. The FDA has been faced with the withdrawal of prescription drugs from the market due to concerns about increased health risks. This situation illustrates the difficulty in achieving the right balance in investigating new drugs that, while intended to help patients, can also come with very serious risks. Furthermore, such incidents could lead to the erosion of public confidence in the safety of medicines developed by drug companies. Drug companies spend enormous sums of money to test potential new candidate medicines. Not only is the process of developing and testing a new drug costly, it is lengthy as well. As a result of delays in the clinical trials process, there are fewer drug discoveries each passing year, ultimately hindering our Nation's competitiveness in this field.

According to Ernst R. Berndt, Ph.D., Adrian H. B. Gottschalk, S.M., Matthew W. Strobeck, Ph.D., Massachusetts Institute of Technology, MIT, Sloan School of Management, ''scientific advances and enhanced [research and development] efforts, the number of average annual new drug applications, NDAs, and new biologic license applications, BLAs, approved by the U.S. Food and Drug Administration has been smaller after 2000 than in the mid-1990s. Moreover, recent estimates suggest the average costs of bringing a new medicine to market have increased sharply to between $800 million and $1.7 billion, with the lower estimate being 2½ times higher than similar inflation-adjusted estimates published a dozen years earlier.'' Clearly, there is great need to improve the methods and science that are used to approve prescription drugs.

I am further concerned that new technologies, including genomics, proteomics, and bioinformatics are not being fully incorporated into the drug approval process. Using these new technologies as part of the clinical drug approval process has the potential to substantially reduce costs and the time needed to develop and test new drugs. Additionally, we must improve the workforce available to pharmaceutical companies, which is not well trained in the modern tools needed for sophisticated drug development. The FDA does not have a structured research program to bridge this knowledge and workforce gap and has few extramural research activities in place to tap the expertise available in our Nation's university health programs.

This amendment will establish the National Centers for Pharmaceutical Innovation to improve the development and testing of new drugs so that they make it to market more quickly and remain there. Up to five centers will be operated by universities in partnership with the FDA to develop methods to utilize new technology to improve the drug approval system. They will also expand the quality and number of professionals trained to work in this field. The centers will introduce new technologies to improve the manufacture of pharmaceutical and biotechnology products.

I believe these centers can provide a significant part of the solution to this complex problem. These centers will be established from qualified universities that have graduate training programs with extensive experience in the development and evaluation of medicines; and proficiencies in pharmaceutical and biotechnology science and engineering. It is the expectation that the work completed by these centers and the FDA would lead to an increased number of drugs brought to market by industry, at a decreased cost. Another effect will be an enormous gain to the public's health, while decreasing the chance of unintentional harm and costs of medical care.

The National Centers for Pharmaceutical Innovation hold a promising solution to the problems in drug discovery and safety facing our Nation today. I encourage my colleagues to support this important amendment.

OVERTURNING DSHEA

Mr. HATCH. My office has been inundated by calls from people throughout the country who believe that this legislation, specifically the provision establishing a Reagan-Udall Institute, will overturn the Dietary Supplement Health and Education Act of 1994. That has not been my reading of the bill, but I wonder if other Senators have heard similar concerns?

Mr. HARKIN. Yes, I have received a good many calls as well. And, I have to say that I would be very concerned, as I know the Senator from Utah is, if

Mr. HARKIN. Yes, I have received a good many calls as well. And, I have to say that I would be very concerned, as I know the Senator from Utah is, if anything in the bill we are considering, S. 1082, would overturn DSHEA, a law we fought side-by-side to see enacted.

Mr. ENZI. It might be helpful if I explained the provision you are discussing, as my office has received many calls as well and I believe the callers are not informed about this matter. Subtitle B of title II of S. 1028 establishes the Reagan-Udall Foundation for the Food and Drug Administration. That simple purpose of that nonprofit Foundation is to lead collaborations among the FDA, academic research institutions and industry designed to bolster research and development productivity, provide new tools for improving safety in regulated product evaluation, and in the long term make the development of those products more predictable and manageable.

Mr. KENNEDY. That is exactly the purpose of the Foundation, which was included in the drug safety legislation Senator ENZI and I introduced last year. The Foundation will be financially supported by industry and philanthropic donated funds. A chief scientist at FDA will promote intramural research and coordinate it with efforts at the Foundation.

Mr. HATCH. That explanation is very helpful. What, specifically, would the role of the Foundation be with respect to dietary supplements?

Mr. KENNEDY. Let me make absolutely clear that the Reagan-Udall Foundation will in no way override, overturn or conflict with the Dietary Supplement Health and Education Act. Nothing in this bill would have that effect.

Mr. ENZI. Yes, we took great pains to make certain there would be no conflict with DSHEA. Regarding foods, and dietary supplements are generally regulated as foods, the general directive of the Foundation is to identify holes in the evaluation of food safety and identify ways to address those deficiencies through collaborative research with industry.

Mr. HARKIN. So to make this absolutely clear, what you are saying is that the bill we are debating would in no way interfere with consumers' access to dietary supplements?

Mr. HATCH. To add to that point, it seems that the language could, in fact, help dietary supplement consumers, because it would allow collaboration between government and industry to conduct research on issues that might be helpful to supplement consumers?

Mr. KENNEDY. Yes, that is the case.

Mr. ENZI. I agree with Chairman KENNEDY's assessment.

Mr. HATCH. I thank you for those assurances and that clarification.

Mr. HARKIN. This has been a very helpful discussion, because Senator HATCH and I could never support legislation that would interfere with DSHEA and we are glad to receive the assurances of the chairman and the ranking Republican on the committee.

MORNING BUSINESS

Mr. MENENDEZ. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

Mr. LEAHY. Madam President, when I was a young law student at Georgetown, the event that stands out the most in my memory was a morning that I and a few other young law students working at various agencies for the summer had with the then Attorney General. It was Attorney General Robert Kennedy. In that meeting, he stressed to us over and over again the professionalism of the Department of Justice and how the professionals had to stay out of any kind of partisan politics and that he would insist upon it.

I was inspired by that meeting. I think it probably shaped my decision to go into public life more than any other single meeting I had.

I ask unanimous consent that an article in today's USA Today by Ronald Goldfarb entitled ''Crossing the Line at Justice'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Wednesday, May 2, 2007]

CROSSING A LINE AT JUSTICE

(By Ronald Goldfarb)

The current agonies of Attorney General Alberto Gonzales call to mind a dramatic moment in the Robert F. Kennedy Justice Department. Members of his organized crime section were in RFK's office reviewing our pending investigations and cases. One of our group advised Kennedy that his grand jury investigations were about to lead to the indictment of the then-mayor of a large Midwestern city, one that had voted for his brother John Kennedy in the close presidential election of 1960.

When my colleague completed his report about the big scalp about to be added to our list of political corruption cases, RFK was quiet. It happened that the scalp in question belonged to President Kennedy's ambassador-designate to Greece. The attorney general smiled slightly and facetiously remarked: ''Well, that's nice. Now my brother's going to have to put me on the Supreme Court.'' The indictment went forward and included others in the city's political (Democratic) machine. All were convicted.

That anecdote is relevant today as the Senate Judiciary Committee considers the attorney general's recent dismissals of several U.S. attorneys. When it comes to the proper administration of justice in the Department of Justice, there are politics and there are politics.

THE TWO P'S

Capital ''P'' politics—that is, party politics, such as the partisan personal shenanigans of Gonzales meddling with the independence of competent prosecutors' discretion in response to political pressures—are improper and have no place in the justice system. Small ''p'' politics, the imposition of discretionary preferences, policies and priorities in the focus of prosecutorial discretion, generally are proper. Partisans must accept them, like it or not. They are not the basis for replacing attorneys general.

The distinction is important. When the Justice Department that I served in during the Kennedy administration came to office, ''political'' priorities changed. The internal security division, active and robust during the Eisenhower administration when loyalty was a major concern, was de-emphasized and eventually was deactivated. The organized crime and the civil rights sections, small and quiet in earlier years, grew into major centers of departmental work and were the centerpiece of RFK's regime. That kind of priority setting is proper.

Administrations come to office offering change. Like these changes or not, people cannot claim they involve improper politics. Critics have the right to change administrations with their votes in subsequent elections. Had Al Gore been elected, no doubt environmental prosecutions would have taken front and center in the department's efforts.

After Sept. 11, 2001, homeland security would have been any attorney general's special interest, RFK's included. So if one deplores the values and priorities of the John Ashcroft and Gonzales administrations at Justice, USA Patriot Act excesses and the like, the recourse will be at the 2008 voting machines.

On the other hand, capital ''P'' party politics have no place in any Justice Department. That is the unique indictment of Gonzales, and one that should lead to his replacement. All attorneys general face political pressure to act against their parties' political enemies and to protect their friends. Those are the moments of truth for all attorneys general, the one that Gonzales failed, to the embarrassment of even his own party representatives.

RFK'S TESTS

When RFK was attorney general, two comparable moments stand out in my memory. In one, his notorious father's long-time attorney—James Landis, ''a virtual member of the immediate family,'' according to one biography—was charged with failing to file his tax returns for five years. Immense pressures were put on Kennedy to find an excuse not to indict the aging and prestigious former Harvard law dean. RFK stayed out of the decision-making process, and Landis pleaded guilty and received a brief incarceration. But for his close association with the Kennedys, Landis probably would not have suffered so. Everyone wanted to help Landis, but they were super self-conscious about the propriety of doing so.

A similar moment arose when an investigation showed that the brother of the influential congressman from New York, Eugene Keogh, had abused his office as a New York state supreme court judge. Kennedy agonized over the political pressures on him; he worried that the not open-and-shut case might not be winnable, after major political embarrassment to Kennedy loyalists. To his credit, Keogh told Kennedy he knew he'd do the right and fair thing. The attorney general's aides pressed him to do what he'd do in any other non-political case. Judge J. Vincent Keogh was indicted and convicted. That is the only way an attorney general can keep the balance of justice even and credible.

Gonzales needed aides who spoke to him with comparable candor and rectitude. Instead, he is falling on his sword over the U.S. attorney firings that he administered without knowing, as he has testified, much about them at the time. Like former vice presidential aide Lewis ''Scooter'' Libby in the

Valerie Plame leak case, others set the political process in motion, and the loyal aide did the deed and took the rap. The Senate should not stop at Gonzales' actions, but should press to find out who pressured him to take these unconscionable actions.

Ashcroft supermoralistically draped the body of the department's statue of justice to hide her contours; Gonzales amoralistically tore off her blindfold. Both diminished the prestige of an important government agency.

TRIBUTE TO COLONEL ANTHONY J. ''LAZER'' LAZARSKI

Mr. INHOFE. Madam President, I am here today to recognize and pay tribute to COL Anthony J. ''Lazer'' Lazarski, Chief of the Air Force Senate Liaison, for his 25 years of exceptional service and dedication to the U.S. Air Force and our great country. Colonel Lazarski is a command pilot with over 2,300 flight hours in 12 different types of aircraft, including the RF–4, F–15, F–16, F–111 and F–117. He has supported combat operations around the world, to include the Libya Raid and Operations Desert Storm, Desert Fox, Allied Force, Southern Watch, and Iraqi Freedom. Throughout his military career, he has been recognized by his superiors and subordinates as a leader in the air and on the ground—an Airman with the ability to motivate and lead.

COL Lazer Lazarski grew up in North Arlington, NJ, and watched them build the Twin Towers of the World Trade Center from the basement up. He earned an appointment to the Air Force Academy and graduated in 1982 with military honors. Upon completion of pilot training, he was selected to fly the F–111 and earned the distinction of Top Gun for both his T–38 Introduction to Fighter Fundamentals class and his F–111 Replacement Training Unit class. While flying in Tactical Air Command with the 79th NATO Tigers at RAF Upper Heyford, he was selected as the wing's youngest instructor pilot. Shortly thereafter, he was selected as the youngest United States Air Forces in Europe flight examiner. As a pilot, I can attest to the fact that you only allow your sharpest and most mature pilots to set, evaluate, and enforce the standards for other pilots. I happen to be a flight instructor currently. I can assure you, they are the very best people. This is a major accomplishment he was able to achieve.

Colonel Lazarski later transitioned to the F–117 Stealth Fighter and earned Top Gun in his third aircraft, this time during a Southern Watch deployment over the skies of Iraq. Colonel Lazarski demonstrated he could not only deliver precise weapons on target on time, he could also motivate and lead others. In recognition of his extraordinary leadership, he was named 12th Air Force Flight Commander of the Year, and selected to attend the Naval War College.

After graduating from the Naval War College in 1994, he served 3 years in Naples, Italy at NATO Headquarters, including as the aide-de-camp to two different Commanders, Allied Air Forces in Southern Europe. One of these Commanders was then LTG Mike Ryan, who would later become Air Force Chief of Staff. During his tour, he was one of the first combat troops on the ground in Sarajevo as he helped set up the NATO Air Operations Center.

In 1997, he transitioned to the F–15 Strike Eagle, serving as the 336th Fighter Squadron Assistant Operations Officer and deployed commander from Seymour Johnson Air Force Base, NC. During this tour he also served as Chief of the Command Post and integrated new command and control systems to include hurricane tracking/forecasting systems put to test in 3 years of multiple hurricanes.

In 2001 he graduated No. 1 from his Air War College Class, earning the Wright Brothers Officership Award and Military Outstanding Volunteer Medal. This honor earned him the right to serve the next year at Vance Air Force Base, in my home state of Oklahoma as the Deputy Operations Group Commander.

Due to the superb leadership Colonel Lazarski demonstrated at Vance, he was selected as the Director of Air Combat Command's Commander Action Group—the strategic ''think tank'' for our Air Force's lead combat command. In this position he was given the immense responsibility for developing strategy, doctrine, concepts, tactics and procedures for U.S. air and space power employment.

Colonel Lazarski's next assignment led him back to command, this time in Air Education Training Command as the Commander of the 479th Flying Training Group where he was responsible for training new pilots in the T–6, and new fighter pilots and weapons officers in the T–38. Colonel Lazarski oversaw 115 aircraft averaging 300 sorties a day, and despite five hurricanes in one season, no student ever graduated late under Colonel Lazarski's leadership.

In 2005 at the culmination of an exceptional military career, Colonel Lazarski was reassigned to Capitol Hill as the Chief of the Air Force Senate Liaison Division. Here Colonel Lazarski integrated his remarkable experience and leadership with ceaseless integrity, initiative, and persistence to result in unparalleled effectiveness on behalf of the Air Force and our Nation.

We offer our sincere thanks to Colonel Lazarski, his wife Stephanie, and their son Andrew for their unwavering support of our country and the freedom we hold so dear. We congratulate Colonel Lazarski on the completion of an exemplary active-duty career. Utilizing the theme from one of my favorite books, Message to Garcia, let me close by saying: Message delivered and job well done! Now a new mission awaits you, and I'm honored to have you serve your country again, this time as my Military Legislative Assistant. Congratulations and welcome!

REMOVAL OF COSPONSOR

Mr. CORNYN. Madam President, I ask that Senator PETE DOMENICI be removed as a cosponsor to S. 1038, the Workforce Health Improvement Act, and added as a cosponsor to S. 1083, the SKIL Act. Let the RECORD reflect that due to a clerical error Senator DOMENICI was inadvertently added as a cosponsor to the Wokforce Health Improvement Act.

IN RECOGNITION OF HEIDEH SHAHMORADI

Mr. BOND. Madam President, today I rise to acknowledge the very special and meaningful contributions of Ms. Heideh Shahmoradi, who is departing the U.S. Senate after serving as detailee for some 4 years from the Department of Transportation. I come to the floor today to thank personally Heideh for her assistance and professionalism as a detailee to me on both the Environment and Public Works, EPW, Committee and the Appropriations Committee.

In my former position as chair of the EPW's Subcommittee on Transportation and Infrastructure, Heideh provided me with invaluable advice and help in the development and passage of the highway reauthorization legislation, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users: or SAFETEA. Heideh played a key role in helping the committee understand the complexities and implications of SAFETEA which helped to ensure that the final legislation properly balanced these very complex policy and funding issues. And as a program expert from the Department, Heideh was able to provide valuable insights on the potential impact of the legislation on highway transportation activities. Heideh not only contributed significantly in analyzing the legislation but she also performed important duties, such as research, fact-checking, editing, and drafting report language and legislation. Heideh did it all with distinction and unflappable good humor.

Her skills and performance on working on the EPW Committee made it an easy decision to bring her back from the Department to help me on the Appropriations Committee. Heideh not only continued to assist me on the Federal-aid highway programs on the Senate Transportation, HUD, and Related Agencies Appropriations Subcommittee, but she also quickly became a resource and expert on all of the other modes under the Department of Transportation.

Throughout her tenure on Capitol Hill, Heideh provided technical expertise and programmatic knowledge that was critical in policymaking decisions on both the authorizing and appropriations committees. Her ability to provide a reality check on legislation helped tremendously in protecting the best interests of our communities and

taxpayers. She is simply a true professional civil servant that we are fortunate to have in government.

Finally, Heideh is a quick study, adaptable, very good at working with others, and cool under pressure. She also is a person of absolute integrity, honor, and loyalty. To their credit, the leadership at the Department of Transportation has recognized her accomplishments and skills and will be giving her new challenges and opportunities. Her departure is a great loss to the Appropriations Committee and to my office in particular. She will be missed. I strongly commend Heideh for her service to me and the U.S. Senate and, while she is leaving us, she will always be part of the Bond office team. I personally wish Heideh, her husband Torrance, and her son Corey all the best.

ADDITIONAL STATEMENTS

HONORING KENT ''OZ'' C. NELSON

• Mr. ISAKSON. Madam President, today I wish to acknowledge a very special occasion. It has come to my attention that on May 9, the Centers for Disease Control and Prevention and the CDC Foundation in Atlanta will be honoring Kent ''Oz'' C. Nelson, retired chair and CEO of UPS, for his unselfish and untiring work on behalf of CDC and public health around the globe. They will be dedicating CDC's main auditorium as the Kent ''Oz'' C. Nelson Auditorium. This is a great honor for a man who truly deserves it.

As elected officials, we naturally and rightfully expect to hear from interested constituents and from the leaders of our governmental institutions about programmatic and capital needs. It is much more unusual to hear about such needs from a CEO-level leader of a global corporation like UPS. But over the past 8 years, Oz and many other CEO's like him, including Bernie Marcus, Phil Jacobs and Christine Jacobs, have regularly written, called and visited Washington, DC to remind us of the importance of upgrading CDC's Atlanta-based labs and facilities to ensure that the world's best scientists are equipped with world-class facilities to support their work.

During a tour of CDC in the fall of 1999, Oz, Bernie and Phil were troubled by the condition of CDC labs and its negative impact on CDC's ability to recruit top scientists and to protect all Americans from a host of threats ranging from SARS, anthrax and pandemic flu to obesity and environmental toxins. Scientists were working in overcrowded World War II Quonset huts and cinder block labs with frayed wiring and poor ventilation.

Oz could have just written a letter. He could have written off CDC's problems as the government's problem. Instead, he helped organize a concerted effort to highlight the problem and encourage a solution. In the last 8 years, Congress has appropriated $1.2 billion of the $1.6 billion needed to complete CDC's master facilities plan. One needs only tour CDC's campus and visit with the scientists there to see the amazing results.

As elected officials, we learn early to appreciate people like Oz Nelson. People who are never too busy to care, never to busy to identify and help solve problems. Since ''retiring,'' and I use that term loosely in Oz's case, he has chaired the Annie Casey Foundation, served on the board of the Carter Center in Atlanta, served on the board of the United Way of America and chaired its national fundraising campaign, chaired the board of the CDC Foundation and been instrumental in starting and supporting an Atlanta-based Museum of Patriotism that celebrates the American spirit. And these are just a few of his many nonprofit interests.

Oz Nelson is, himself, a patriot who embodies the very best of the American spirit. And I know those of you who know and have worked with Oz join me today in congratulating him on the dedication of the new Kent ''Oz'' C. Nelson Auditorium at CDC.•

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions:

H. Con. Res. 95. Concurrent resolution honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award.

H. Con. Res. 112. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day.

H. Con. Res. 118. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

At 3:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 95. Concurrent resolution honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award; to the Committee on the Judiciary.

H. Con. Res. 112. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 118. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

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–1711. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 05-09; to the Committee on Appropriations.

EC–1712. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report entitled ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–1713. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (7) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1714. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Ghana; to the Committee on Banking, Housing, and Urban Affairs.

EC–1715. A communication from the Assistant Administrator for Procurement, Contract Management Division, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Implementation of OMB Guidance on Nonprocurement Debarment and Suspension'' (RIN2700-AD32) received on April 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1716. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992'' ((FCC 06-180)(MM Docket No. 05-311)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1717. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Milano, Texas'' (MB Docket No. 05-97) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1718. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to

law, the report of a rule entitled ''Implementation of Section 629 of the Consolidated Appropriations Act, 2004'' (FCC 06-117) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1719. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Roma, Texas'' (MB Docket No. 05-142) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1720. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Ashland, Greensburg, and Kinsley, Kansas; and Alva, Medford, and Mustang, Oklahoma'' (MB Docket No. 06-65) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1721. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Wofford Heights, California'' (MB Docket No. 03-91) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1722. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Glen Arbor, Michigan'' (MB Docket No. 03-142) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1723. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Jackson, Wyoming'' (MB Docket No. 05-101) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1724. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers'' ((FCC 06-134)(CG Doc. 02-386)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1725. A communication from the Management Analyst, Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of the Schedule of Application Fees Set Forth in Sections 1 .1102 through 1.1107 of the Commission's Rules'' ((GEN Docket No. 86-285)(FCC 06-131)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1726. A communication from the Acting Legal Advisor, Mobility Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Section 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies'' ((FCC 07-39)(WT Docket No. 99-87)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1727. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure Devices in the 5 GHz Band'' ((FCC 06-96)(ET Docket No. 03-122)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1728. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2007 Update'' (STB Ex Parte No. 542) received on April 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1729. A communication from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Geothermal Valuation'' (RIN1010-AD32) received on April 26, 2007; to the Committee on Energy and Natural Resources.

EC–1730. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the Department's proposed final 5-Year Outer Continental Shelf Oil and Gas Leasing Program for years 2007-2012; to the Committee on Energy and Natural Resources.

EC–1731. 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 ''LMSB Tier II Issue - Field Directive on the Examination of IRC Section 165 Casualty Losses No. 1'' (LMSB-04-0407-030) received on April 30, 2007; to the Committee on Finance.

EC–1732. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1733. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment in Germany; to the Committee on Foreign Relations.

EC–1734. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on April 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1735. A communication from the Secretary of Labor, transmitting, the report of proposed legislation entitled ''Child Labor Protection Act of 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–1736. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the Commission's Semiannual Report for the period October 1, 2006 through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1737. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Security Plan for Essential Air Service and Small Community Service Airports; to the Committee on Homeland Security and Governmental Affairs.

EC–1738. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the impact and effectiveness of Administration for Native Americans Projects during fiscal year 2005; to the Committee on Indian Affairs.

EC–1739. A communication from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, the report of draft legislation intended to ''provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Nos. 19 and 188, and for other purposes''; to the Committee on Indian Affairs.

EC–1740. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, an amendment to the Federal Rules of Appellate Procedure that has been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–1741. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Liquidation and Debt Collection Activities'' (RIN3245-AE83) received on April 30, 2007; to the Committee on Small Business and Entrepreneurship.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–77. A joint resolution adopted by the Legislature of the State of Idaho urging Congress to support Federal legislation transferring management of National Forest System Lands within Idaho to the State of Idaho to be managed for the benefit of the rural counties and schools; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 21

Whereas, the United States Forest Service administers the management of 39 percent of the land base in the state of Idaho, and an additional 22 percent is administered by the United States Bureau of Land Management; and

Whereas, pursuant to 16 U.S.C. Section 471, an 1891 law authorizing the President to establish national forests, the purpose for establishing and administering national forests was to set aside public lands reserved as national forests to be controlled and administered, to the extent practical, in accordance with the Act which provided that ''no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens''; and

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create a hardship for many counties, as they provided little revenue or commerce at that time; and

Whereas, in 1908, Congress created the Twenty-five Percent Fund Act to pay states and and counties 25 percent of receipts collected from national forests and mandated that payments were to be spent on schools and roads, recognizing that viable communities adjacent to the public lands, with adequate roads and schools, were essential for the development and preservation of the national forests; and

Whereas, the federal policy of holding counties harmless from the creation of public lands within counties was reiterated in 1916 with the creation of the Oregon and California Grant Lands under the Chamberlain-Ferris Act, and again in 1937 with passage of the Oregon and California Grant Lands Act; and

Whereas, the forest resources were intended to be managed in such an environmentally responsible manner that they would produce long-term sustainable revenue to share with schools and counties as well as products for the nation; and

Whereas, in 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act, commonly known as public law 106–393, which restored historical payment levels previously made to states and counties from the federal government for road and school purposes due to declining levels of actual forest receipts; and

Whereas, the reauthorization of public law 106–393 is pending before the United States Congress and Idaho counties are on record as being strongly supportive of a fully-funded approval of this Act; and

Whereas, recently, federal land managers have been faced with an ever-present funding shortage and rural counties will be faced with higher property taxes or a reduction in services if the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated; and

Whereas, there is continued concern that if the Act is reauthorized and appropriated it may be the last time it occurs and a long-term solution to these issues is necessary; and

Whereas, the state of Idaho is dependent upon healthy national forest system lands for economic benefit, recreation and scenic beauty and it is time to demonstrate a new initiative and commitment to the intent and policy of the federal government to hold counties and schools harmless from the creation of federal lands and construct a path leading to economic stability for rural communities and schools; and

Whereas, transfer of the management of the national forest system lands that are not designated as wilderness, proposed or recommended wilderness, wild and scenic river, or national recreation area, or designated roadless area in Idaho, to the state of Idaho would promote better stewardship of the public lands, provide financial returns to the counties, secure public access, meet Congress's intent to hold rural communities harmless from the creation of federal lands, and fund schools, road and bridge infrastructure which would offset significant tax increases in rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and

Whereas, precedent for state administration of federally-owned lands exists in the state of Idaho at the City of Rocks area in southern Idaho and campground-related facilities and land at Lake Cascade; and

Whereas, a transfer of management to the state of Idaho would demonstrate a new initiative and commitment to the intent and policy of the federal government to hold rural counties and schools harmless from the consequences of the reservation of federal lands and construct a process leading to economic stability for rural communities and schools; and

Whereas, lands for which management responsibility is transferred to the state of Idaho could be administered by the Idaho Department of Lands in cooperation with county officials and with cooperative oversight by the United State Forest Service and state and local government could establish, or use existing natural resource advisory committees composed of a diverse cross-section of the public, with all decisions and actions relating to the lands being required to comply with every federal and state environmental law; and

Whereas, the management of these lands would have to meet the mandates of the Healthy Forest Initiative, the National Fire Plan, and state and county fire mitigation plans: Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Congress to support federal legislation transferring management of national forest system lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools with the state of Idaho being held harmless from the costs of administration; and be it further

Resolved, That Congress is urged to provide that any transfer of management authority would not affect any rights or authority of the state with respect to fish and wildlife, or repeal or modify any provision of law that permits the state or political subdivisions of the state to share in the revenues from federal lands, or any provision of law that provides that fees or charges collected at particular federal areas be used for or credited to specific purposes or special funds; and be it further

Resolved, That Congress is urged to provide that fees or revenues collected under state management be allocated 75 percent, or other appropriate percentage, for the benefit of the counties and schools in which the national forest system lands are located and 25 percent, or other appropriate percentage, for the benefit of the national forest in which the lands administered by the state of Idaho are located to be paid at the end of the year to the Secretary of the Treasury, and that amounts allocated to the counties should not be taken into account for purposes of the Twenty-five Percent Fund pursuant to 16 U.S.C. Section 500; and be it further

Resolved, That Congress is urged to seek a long-term solution to the significant issues that will face rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–78. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Idaho stating findings of the Legislature and authorizing the legislative council to appoint a committee to undertake and complete a study of the decline in receipts on National Forest System Lands; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 26

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create hardship for many counties as they provided little revenue or commerce at that time; and

Whereas, in 1908, the federal government promised rural counties 25 percent of all revenues generated from the multiple-use management of the newly created national forests to support public roads and public schools; and

Whereas, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

Whereas, in 2000, Congress passed Public Law 106–393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school purposes because of declining levels of actual forest receipts; and

Whereas, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act is pending before the United States Congress, and Idaho counties are on record as being strongly supportive of a fully funded approval of this Act; and

Whereas, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and, even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

Whereas, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging Congress to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties, with the goal of the interim committee's recommendations being to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provided projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the agencies manage. The Legislative Council shall determine the membership from each house appointed to the interim committee and shall authorize the interim committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature. As much as is practicable, the interim committee shall work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The interim committee is also authorized to retain the services of consultants, within appropriated moneys, who are familiar with forest receipts, and who can provide necessary economic and other research to assist the interim committee and the Legislature in making an informed decision on this most important topic; and now, therefore, be it further

Resolved, That the Idaho legislative interim committee on forest receipts will address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access

and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act; and now, therefore, be it further

Resolved, That nonlegislative members of the interim committee may be appointed by the cochairs of the interim committee who are appointed by the Legislative Council. Nonlegislative members of the interim committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the interim committee's recommendations or proposed legislation; and now, therefore, be it further

Resolved, That the interim committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-ninth Idaho Legislature.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Steven Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer, Department of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, and Mr. ROBERTS):

S. 1262. A bill to protect students receiving student loans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. SMITH, Mr. KERRY, Mrs. BOXER, Mr. NELSON of Florida, Mrs. MCCASKILL, Mr. ROCKEFELLER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BIDEN, Ms. STABENOW, Mr. WYDEN, Mr. REED, Mr. DORGAN, Mr. DURBIN, and Mr. HARKIN):

S. 1263. A bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN (for himself and Mr. PRYOR):

S. 1264. A bill to amend the Internal Revenue Code of 1986 to provide a credit to holders of rural renaissance bonds; to the Committee on Finance.

By Mr. CRAIG:

S. 1265. A bill to amend title 38, United States Code, to expand eligibility for veterans' mortgage life insurance to include members of the Armed Forces receiving specially adapted housing assistance from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CRAIG:

S. 1266. A bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LUGAR (for himself, Mr. DODD, Mr. GRAHAM, Mr. DOMENICI, and Ms. LANDRIEU):

S. 1267. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1268. A bill to provide for the development and inventory of certain outer Continental Shelf resources; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S. 1269. A bill to improve border security in the United States and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. OBAMA, Mr. DURBIN, Mr. HARKIN, Mr. SALAZAR, and Mr. ISAKSON):

S. 1270. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Mrs. MCCASKILL):

S. 1271. A bill to provide for a comprehensive national research effort on the physical and mental health and other readjustment needs of the members of the Armed Forces and veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom and their families; to the Committee on Armed Services.

By Mr. CHAMBLISS (for himself, Mr. COLEMAN, Ms. KLOBUCHAR, and Mr. ISAKSON):

S. 1272. A bill to establish the National Guard Yellow Ribbon Reintegration Program; to the Committee on Armed Services.

By Mr. KYL:

S. 1273. A bill to amend the Internal Revenue Code of 1986 to allow permanent look-through treatment of payments between related foreign corporations; to the Committee on Finance.

By Mr. DURBIN:

S. 1274. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food for humans and pets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1275. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Con. Res. 30. A concurrent resolution urging all sides to the current political crisis in Ukraine to act responsibly and use dialogue to resolve the crisis and ensure a free and transparent democratic system in Ukraine based on the rule of law; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUYE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 154

At the request of Mr. BUNNING, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 154, a bill to promote coal-to-liquid fuel activities.

S. 155

At the request of Mr. BUNNING, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 155, a bill to promote coal-to-liquid fuel activities.

S. 291

At the request of Mr. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 329

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 334

At the request of Mr. WYDEN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) 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. 392

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 392, a bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period.

S. 430

At the request of Mr. LEAHY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 442

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. SALAZAR), the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 458

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 545

At the request of Mr. LOTT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WEBB) 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. 591

At the request of Mr. CHAMBLISS, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 591, a bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 617

At the request of Mr. SMITH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 673

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 773

At the request of Mr. WARNER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 838

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from

Washington (Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from New Mexico (Mr. DOMENICI) was withdrawn as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1083

At the request of Mr. CORNYN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1083, a bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes.

S. 1129

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1129, a bill to amend the Internal Revenue Code of 1986 to modify the definition of governmental plan with respect to Indian tribal governments.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1185

At the request of Mr. BINGAMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 1190

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1257

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. CON. RES. 26

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

S. RES. 183

At the request of Ms. LANDRIEU, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 183, a resolution supporting the goals and ideals of National Charter Schools Week, April 30, 2007, through May 4, 2007.

AMENDMENT NO. 982

At the request of Mr. ALLARD, the names of the Senator from Missouri (Mr. BOND), the Senator from Utah (Mr. HATCH) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 982 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 993

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 993 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1004

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 1004 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, and Mr. ROBERTS):

S. 1262. A bill to protect students receiving student loans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 1262

Mr. ENZI. Mr. President, I rise to speak about the Student Loan Accountability and Disclosure Reform Act which I, along with Senators ALEXANDER, BURR, ISAKSON, ALLARD and MURKOWSKI, am introducing today. In this era of rising college costs, it is more important than ever to make sure that the colleges, lenders and guaranty agencies that provide loans to help students pay for college operate in a fair, accountable and transparent manner.

In fiscal year 2007, the Federal Government, through the Federal Family Education Loan, FFEL, and Direct

Loan programs is expected to back and provide $65.9 billion in new loans to students and their parents for attendance at over 6,000 schools. The FFEL program accounts for about 79 percent of new student loan volume. There are approximately 3,200 FFEL lenders. Thirty-five State and private, nonprofit guaranty agencies back the FFEL loans.

Overall, the programs are expected to provide financing to 14.3 million students and their families this year. These students and their families are depending upon us to protect them from those individuals who are using the financial loan programs to benefit themselves to the detriment of students.

The focus of this bill is to make colleges, lenders and guaranty agencies accountable, by prohibiting lenders and guaranty agencies from offering inducements, and colleges from accepting them, and by requiring disclosures to students, their families and the public.

There are a lot of ethical, hard-working financial aid administrators and lenders who have spent their lives helping students go to college. It is a shame that a few bad actors have cast a shadow over the whole student loan industry. However, in light of recent revelations about the behavior of a few college officials and a few lenders, it is clear that we need to take steps to protect students and their families from any actions and arrangements that are not fully disclosed.

A key part of this bill is a Code of Conduct for institutions of higher education. It prohibits colleges and their employees with responsibility for student financial aid from receiving anything of value from any lender in exchange for advantages sought by the lender. The prohibition applies not only to gifts and trips, but to compensation for service on advisory boards and consulting contracts.

Colleges are prohibited from designating ''preferred lenders.'' However, they may collect information from lenders, at the college's invitation or upon the request of a lender, including interest rates, payment of origination and other fees, discounts, services and terms and conditions of the loans, and the lender's contact information, on a standard electronic template. All templates submitted will be made available to current and prospective students and their families. Colleges will provide students and parents with a guide that enables the students and parents to do their own evaluation of the loan products, benefits, and services offered by the lenders. An annual attestation of college compliance by a high level college official with the Code of Conduct is required.

The bill expands prohibitions on guaranty agencies and lenders, including provisions that prohibit the offering of any premiums, payments, prizes, and tuition payments. Guaranty agencies are precluded from performing any services for colleges without compensation. Lenders may not provide information technology equipment at below market value. Both lenders and guaranty agencies are prohibited from sending unsolicited electronic mailings to potential borrowers.

Finally, the recent revelations of questionable relationships between colleges and lenders have led to new calls to eliminate any areas of potential conflicts of interest. For this reason, it is time to phase out the ability of colleges to act as lenders in the FFEL program, a provision commonly referred to as ''school-as-lender.''

Higher education is crucial to maintaining America's competitiveness. Education at all levels, including lifelong education opportunities, is vital to ensuring that America retains its competitive edge in the global economy. In this global economy, learning is never over and school is never out. If students and families are to make informed decisions about how to pay for college, they must have clear, accurate, comprehensive information on which to base their decisions.

We must help and protect the 14.3 million students and their families who will seek student loans this year to pay for the education they need. Therefore, we must maintain the integrity of the student loan programs. Let's fix the system and restore the confidence of students that they are being treated fairly from the beginning, and through the time they are repaying their loans and realizing their goals.

I want to thank Senators ALEXANDER, BURR, ISAKSON, ALLARD, and MURKOWSKI for joining me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1262

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 ''Student Loan Accountability and Disclosure Reform Act''.

SEC. 2. INSURANCE PROGRAM AGREEMENTS.

Paragraph (3) of section 428(b) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(3)) is amended to read as follows:

''(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

''(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

''(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

''(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

''(B) conduct unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

''(C) perform, for an institution of higher education participating in a program under this title and without appropriate compensation by such institution, any function that the institution is required to perform under part B, D, or G (except for the exit counseling described in section 485(b));

''(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G (except for the exit counseling described in section 485(b)); or

''(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide assistance to institutions of higher education comparable to the kinds of assistance provided to institutions of higher education by the Department.''.

SEC. 3. DISCLOSURE RULES FOR EDUCATIONAL LOANS.

Title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—DISCLOSURE RULES FOR EDUCATIONAL LOANS

''SEC. 151. DISCLOSURE RULES RELATING TO EDUCATIONAL LOANS.

''(a) DEFINITIONS.—In this part:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(A) has the meaning given the term in section 102; and

''(B) includes an employee or agent of the institution of higher education or any organization or entity directly or indirectly controlled by such institution.

''(3) LENDER.—The term 'lender' means—

''(A) any lender of a loan made, insured, or guaranteed under title IV, including a consolidation loan under section 428C;

''(B) any lender that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

''(C) for any loan issued or provided to a student under part D of title IV, the Secretary.

''(4) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan that—

''(A) is not made, insured, or guaranteed under title IV; and

''(B) is offered to a borrower by an institution of higher education through an award letter or other notification.

''(b) DISCLOSURES.—

''(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides a loan under title IV or a private educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

''(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

''(A) that the borrower may qualify for Federal financial assistance through a program under title IV, in lieu of or in addition to a loan from a non-Federal source;

''(B) of the interest rates available with respect to such Federal financial assistance;

''(C) showing sample educational loan costs, disaggregated by type;

''(D) that describes, with respect to each loan being provided to the student by the lender—

''(i) how the applicable interest rate is determined, including whether the rate is based on the credit score of the borrower;

''(ii) the types of repayment plans that are available;

''(iii) whether, and under what conditions, early repayment may be made without penalty;

''(iv) when and how often the loan would be recapitalized;

''(v) all fees, deferments, or forbearance;

''(vi) all available repayment benefits, and the percentage of all borrowers who qualify for such benefits;

''(vii) the collection practices in the case of default;

''(viii) the late payment penalties and associated fees; and

''(ix) whether the amount of all loans issued by the lender to the borrower exceeds the student's cost of attendance; and

''(E) such other information as the Secretary may require.''.

SEC. 4. REVIEW OF PRIVATE EDUCATIONAL LOAN MARKET.

Section 495 of the Higher Education Act of 1965 (20 U.S.C. 1099a) is amended by adding at the end the following:

''(c) REVIEW OF PRIVATE EDUCATION LOAN MARKETS.—The Secretary and the Secretary of the Treasury shall conduct an evaluation of markets for educational loans to—

''(1) evaluate any variations in availability, terms, and conditions of educational loans provided to students who qualify for a simplified needs test under section 479 or any income-contingent simplified version of the Free Application for Federal Student Aid;

''(2) identify possible discriminatory lending patterns affecting students described in paragraph (1); and

''(3) report, not later than 1 year after the date of enactment of the Student Loan Accountability and Disclosure Reform Act to the Committee on Health, Education, Labor, and Pensions and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Education and Labor and the Committee on Financial Services of the House of Representatives, on findings and recommendations for the need to afford protections from predatory lending practices to such students.''.

SEC. 5. DISQUALIFICATION OF ELIGIBLE LENDER.

Section 435(d)(5) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(2) by striking subparagraphs (A) and (B) and inserting the following:

''(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

''(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

''(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

''(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

''(E) performed for an institution of higher education, without compensation from the institution, any function that the institution of higher education is required to carry out under part B, D, or G (except for general debt counseling, such as the exit counseling described in section 485(b));

''(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G (except for general debt counseling, such as the exit counseling described in section 485(b));

''(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

''(i) is also employed by the lender for other purposes; and

''(ii) made all appropriate disclosures regarding such employment;''.

SEC. 6. CERTIFICATIONS; CODE OF CONDUCT REGARDING STUDENT LOANS.

Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (6) and inserting the following:

''(6) The institution will not provide any student with any statement or certification to a lender that qualifies the student for a loan or loans in excess of the amount that student is eligible to borrow in accordance with sections 425(a), 428(a)(2), and subparagraphs (A) and (B) of section 428(b)(1) unless—

''(A) the loan in question is a private educational loan as defined under section 151(a); and

''(B) the student does not qualify for the simplified needs test under section 479 or any income-contingent simplified version of the Free Application for Federal Student Aid.'';

(B) by redesignating paragraphs (21), (22), and (23) as (22), (23), and (24), respectively; and

(C) by inserting after paragraph (20) the following:

''(21)(A) The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

''(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender.

''(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

''(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

''(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value as compensation from the lender or group of lenders for serving on such advisory board, commission, or group, except that the employee may be reimbursed for reasonable expenses incurred in providing such service.

''(v) LENDER INFORMATION REQUIREMENTS.—The institution—

''(I) will not designate any lender as a preferred lender for loans under this title or private educational loans;

''(II) may invite a lender of such loans to submit to the institution a standard electronic template that specifies the rates, services, discounts, and terms and conditions of the loans, and the lender's contact information;

''(III) upon request of a lender interested in offering loans under this title or private educational loans to students at the institution, will provide the lender with the ability to submit the standard electronic template described in subclause (II) to the institution;

''(IV) will make all submitted standard electronic templates available to current and prospective students of the institution, and the parents of such students;

''(V) if such student, or a parent of such student, requests information on the lenders that have submitted standard electronic templates to the institution, will provide the student or parent with a guide that—

''(aa) enables students and parents to do their own evaluation of the loan products, benefits, and services offered by such lenders; and

''(bb) includes the disclosures required under clause (vi).

''(vi) DISCLOSURES.—An institution required to make the disclosures under this clause will—

''(I) disclose the criteria and process used to develop the guide described in clause (v)(V) regarding the products offered by each lender that submitted a standard electronic template, as described in clause (v)(II);

''(II) disclose which lenders listed in the guide have an agreement in place to sell the loans of the lender to another lender; and

''(III) provide a notice to the student that the student has the right to select a lender of the student's choosing, regardless of any information regarding the lender in the institution's guide under clause (v) or whether the lender submitted a standard electronic template to the institution.

''(vii) LENDER SERVICES TO INSTITUTIONS OF HIGHER EDUCATION.—

''(I) Any agent, employee, or independent contractor of a lender who is performing any service for the institution shall disclose the individual's relationship with the lender to

any students and parents for whom the individual provides such service.

''(II) Any agreement for the performance of a service by a lender for the institution shall comply with all applicable State and institution ethics laws and codes of ethics.

''(viii) INTERACTION WITH BORROWERS.—The institution will not—

''(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

''(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

''(B) The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

''(C) The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

''(d) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

''(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

''(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title.''.

SEC. 7. TERMINATION OF SCHOOL-AS-LENDER PROGRAM.

Section 435(d) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)) (as amended by section 5) is further amended—

(1) in paragraph (1)(E), by inserting ''subject to paragraph (8),'' before ''an eligible institution''; and

(2) by adding at the end the following:

''(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

''(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2008.

''(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2008, shall—

''(i) not issue any new loans in such a capacity under part B after June 30, 2008; and

''(ii) shall continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2008, except that, beginning on June 30, 2010, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.''.

By Mr. CRAIG:

S. 1265. A bill to amend title 38, United States Code, to expand eligibility for veterans' mortgage life insurance to include members of the Armed Forced receiving specially adapted housing assistance from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation I am introducing that will continue a positive trend in the provision of benefits to severely injured servicemembers and their families by making assistance available when it is needed most. My bill would give active duty servicemembers who utilize VA's specially adapted housing grant assistance with the ability to also purchase Veterans' Mortgage Life Insurance, or VMLI, through VA. Under current law, the receipt of specially adapted housing grants is the gateway to VMLI eligibility. And only those separated from service and legally classified as ''veterans'' are able to purchase coverage through VMLI.

Servicemembers and veterans who are blind, have lost the use of both their legs, and who have other severely disabling conditions are eligible to receive up to $50,000 in grants from VA to assist with needed housing adaptations, such as the widening of doorways, the construction of wheelchair ramps, and the installment of handrails. Notwithstanding this grant assistance, servicemembers and veterans must still pay any underlying mortgage that exists on the modified home. To ensure that survivors are not saddled with mortgage debt they cannot afford following the death of a severely disabled veteran, VA's VMLI program is available. Under VMLI, up to $90,000 of coverage, or coverage in the amount of any outstanding mortgage debt, whichever is less, is available. Veterans pay premiums at standard mortality rates and VA contributes subsidy payments so that all program expenses are met.

Until recently, grants under the specially adapted housing program could only be made to individuals who had separated from military service. In recognition of what can be an extremely lengthy recovery and separation process for those with profoundly disabling conditions, in 2004 we in Congress allowed housing grants to be made to active duty servicemembers. However, we did not extend the same access to VA's VMLI program for those still on active duty, an oversight that my legislation would remedy.

VA estimates that roughly 30 servicemembers per year will receive specially adapted housing grants, thus giving rise to VMLI eligibility should my bill be enacted. Because it is optional, VA expects only 15 servicemembers per year to purchase VMLI policies. Therefore, subsidy costs associated with my legislation are minimal, less than $500,000 over 10 years.

This Congress increasingly is recognizing that the benefits provided to our wounded servicemembers need to flow immediately, and that outmoded distinctions between ''veteran'' and ''active duty servicemember'' mean little when it comes to honoring our commitment to them. My legislation continues what I believe is an encouraging trend that looks at the career of a military man or woman as a continuum. It is a continuum that begins the day they enlist and it ends the day they die. Our Government's benefits should reflect that reality.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1265

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

SECTION 1. EXPANSION OF ELIGIBILITY FOR VETERANS' MORTGAGE LIFE INSURANCE TO INCLUDE MEMBERS OF THE ARMED FORCES RECEIVING SPECIALLY ADAPTED HOUSING ASSISTANCE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 2106 of title 38, United States Code, is amended—

(1) by striking ''veteran'' each place it appears and inserting ''veteran or member of the Armed Forces'';

(2) in subsection (a), by striking ''veterans' election'' and inserting ''election of the veteran or member of the Armed Forces'';

(3) in subsection (f), by inserting '', members of the Armed Forces,'' after ''veterans''; and

(4) in subsection (i)—

(A) in paragraph (1), by striking ''veteran's indebtedness'' and inserting ''indebtedness of the veteran or member of the Armed Forces''; and

(B) in paragraph (2), by striking ''veteran's ownership'' and inserting ''ownership of the veteran or member of the Armed Forces''.

By Mr. CRAIG:

S. 1266. A bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation I am introducing that will improve the availability of dignified burials for those who have served our country. The Veterans' Dignified Burial Assistance Act of 2007 would make three improvements to programs designed to ensure that veterans are perpetually honored for their service. Let me start by describing the first improvement which had its genesis, I am proud to say, in my home State of Idaho.

We have in Idaho a State veterans' cemetery located in Boise. The cemetery was established with the help of VA's State Cemetery Grants Program, a program which pays for 100 percent of

the costs of establishing, expanding, and improving state cemeteries. Over one thousand veterans have been interred in the Idaho State Cemetery since it opened in 2004. I want to focus on 91 of those veterans who were interred through a program pioneered in Idaho called ''Missing in America.''

Through the Missing in America program Idaho cemetery officials, working with veterans' organizations and others, have actively sought to locate the unclaimed cremated remains of veterans throughout the State. They contacted funeral homes, county coroner offices, and any other place where those remains may have been located. Remarkably, they discovered the remains of 91 veterans. After verifying that they had eligibility, all 91 veterans were given a dignified burial.

I suspect what was found in Idaho would be found in other States. My legislation would incentivize other States to develop Missing in America programs like Idaho's by allowing revenue from VA's plot allowance benefit to go to states which seek out and inter unclaimed remains.

Under current law, State cemeteries may be reimbursed for the cost of interring eligible veterans. For each eligible veteran interred, a $300 plot allowance may be paid by VA. Revenue from the plot allowance is used to operate and maintain the appearance of State cemeteries. However, plot allowance revenue is not payable to States when veterans are interred more than 2 years after the permanent burial or cremation of the veteran's body. Thus, since each of the 91 veterans interred in Idaho had been left sitting on shelves in an urn for a great deal longer than 2 years, no plot allowance is payable. This doesn't make sense. Just as our system of benefits does not abandon or give up on veterans who are homeless or chronically ill, so too should our burial benefits system be designed not to abandon or give up on veterans whose remains are unclaimed. To that end, my legislation would waive the 2-year limit so that States could receive plot allowance revenue for interment of the unclaimed remains of veterans. The extra plot allowance revenue could be used to help states meet costs associated with running this program and other cemetery operation costs. Most importantly, my legislation would reward States for giving veterans what is long overdue: a fitting burial.

The second way my legislation helps to ensure dignified burials is by increasing VA's plot allowance benefit from $300 to $400. As I mentioned earlier, the plot allowance can be paid directly to a State cemetery for the interment of eligible veterans. But it can also be paid to the survivors of veterans who purchase burial space on their own in the private market. Under current law, veterans who die in a VA facility, who are in receipt of disability compensation, or who have low incomes and are in receipt of VA pension are eligible to receive the $300 plot allowance benefit. The plot allowance, created in 1973, is designed to ensure that veterans are not buried in a pauper's grave. When the benefit was created, it covered 13 percent of the average cost of an adult funeral. Today, it only covers approximately 5 percent of the cost. An independent assessment of VA burial benefits directed by Congress and published in 2000 recommended, as an option, increasing the plot allowance to $670, which at the time of the assessment represented 13 percent of the average cost of an adult funeral. Since that assessment was published, the major veterans' organizations have persistently recommended that Congress increase this benefit. In its most recent budget submission, the authors of the Independent Budget recommended that the plot allowance be increased to $745. In 2001, Congress took a first step, raising the benefit from $150 to $300. My legislation would take yet another, measured step.

Finally, my legislation would authorize $5 million per year under VA's State Cemetery Grant Program for VA to assist States in meeting operational and maintenance expenses. As I mentioned, the State Cemetery Grant Program finances the cost of establishing, expanding, or improving State cemeteries. States must agree to provide suitable land for a cemetery and they must meet administrative, operational, and maintenance costs.

My purpose in introducing this aspect of the legislation is twofold. First, VA is in the midst of the largest national cemetery expansion since the Civil War. Guiding its cemetery expansion effort was a prospective look at where and how many veterans will be living 20 years from now. Based on that prospective analysis, national cemeteries are being built in those areas of the country that have veterans' populations of 170,000 or more and that are not residing within, or expected to reside within, 75 miles of an open State or national cemetery. It is therefore highly likely that after this expansion has concluded, no additional national cemeteries will be built for quite some time. Thus, in order to serve veterans' populations in less densely populated areas in the future, VA and the States will need to rely more on the State Cemetery Grant Program. Allowing reimbursement for some maintenance or operational expenses will serve to make the program more attractive to States, which may otherwise decline to participate in the program due to budget constraints. In fact, the 2000 independent assessment I spoke about earlier made the same point, recommending Congressional consideration of amending the grant program to allow for reimbursement of the sort contemplated in my legislation.

My second purpose behind this provision is a bit more parochial. There are eight States in the country without any national cemetery, including Idaho. These are States with small or scattered veterans' populations. VA's criteria for establishing national cemeteries makes it unlikely that veterans in these States will ever have access to a national cemetery within the borders of their home State. Yet their service was national in character, and the desire for recognition of that national service through interment in a national cemetery is real, if not practical. It is my opinion that the Federal obligation to veterans residing in States like my own is therefore heightened. And if the only way to heighten that obligation is by requiring reimbursement of a greater share of the expenses now borne by the States, so be it. To my mind, this would be an equitable outcome, and one that I hope VA factors into criteria it will develop should my legislation be enacted.

Let me make one final and very important point. The cost of my legislation is in the $8 million per year range. Although I am convinced of the merits of the legislation, I am also committed to adhering to our budget rules which require that appropriate spending offsets be identified before new spending is advanced. I assure my colleagues that should my legislation be reported from the Veterans' Affairs Committee, it will be fully offset in accordance with our rules and my own principle of fiscal discipline.

In summary, the Veterans' Dignified Burial Assistance Act of 2007 will help us along in our collective goal of providing veterans with lasting resting places to honor their lives and service. This is good legislation, and I urge the support of my colleagues.

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. 1266

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 ''Veterans' Dignified Burial Assistance Act of 2007''.

SEC. 2. INCREASE IN ASSISTANCE FOR VETERANS INTERRED IN CEMETERIES OTHER THAN NATIONAL CEMETERIES.

(a) INCREASE IN PLOT OR INTERMENT ALLOWANCE.—Section 2303(b) of title 38, United States Code, is amended by striking ''$300'' each place it appears and inserting ''$400''.

(b) REPEAL OF TIME LIMITATION FOR STATE FILING FOR REIMBURSEMENT FOR INTERMENT COSTS.—

(1) IN GENERAL.—The second sentence of section 3.1604(d)(2) of title 38, Code of Federal Regulations, shall have no further force or effect as it pertains to unclaimed remains of a deceased veteran.

(2) RETROACTIVE APPLICATION.—The provision of paragraph (1) shall take effect as of October 1, 2006.

(c) GRANTS FOR OPERATION AND MAINTENANCE OF STATE VETERANS' CEMETERIES.—

(1) IN GENERAL.—Subsection (a) of section 2408 of such title is amended—

(A) by inserting ''(1)'' before ''Subject to'';

(B) by designating the second sentence as paragraph (2) and indenting the margin of such paragraph, as so designated, two ems from the left margin; and

(C) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking ''assist such State in establishing, expanding, or improving veterans' cemeteries owned by such State.'' and inserting ''assist such State in the following:

''(A) Establishing, expanding, or improving veterans' cemeteries owned by such State.

''(B) Operating and maintaining such cemeteries.''.

(2) LIMITATION ON AMOUNTS AWARDED.—Subsection (e) of such section is amended—

(A) by inserting ''(1)'' before ''Amounts''; and

(B) by adding at the end the following new paragraph:

''(2) In any fiscal year, the aggregate amount of grants awarded under this section for the purposes specified in subsection (a)(1)(B) may not exceed $5,000,000.''.

(3) CONFORMING AMENDMENTS.—(A) Subsection (b) of such section is amended—

(i) by striking ''Grants under this section'' and inserting ''Grants under this section for the purposes described in subsection (a)(1)(A)''; and

(ii) by striking ''a grant under this section'' each place it appears and inserting ''such a grant''.

(B) Subsection (d) of such section is amended by inserting '', or in operating and maintaining a veterans' cemetery,'' after ''veterans' cemetery''.

(C) Subsection (f)(1) of such section is amended by inserting '', or in operating and maintaining veterans' cemeteries,'' after ''veterans' cemeteries''.

(4) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out the amendments made by this subsection.

By Mr. LUGAR (for himself, Mr. DODD, Mr. GRAHAM, Mr. DOMENICI, and Ms. LANDRIEU):

S. 1267. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

Mr. LUGAR. Mr. President, I am pleased to rise today with my colleagues Senators DODD, GRAHAM, DOMENICI, and LANDRIEU to introduce the Free Flow of Information Act.

The free flow of information is an essential element of democracy. A free press promotes an open marketplace of information and provides public and private sector accountability to our Nation's electorate. By ensuring the free flow of information, citizens can work to bring about improvements in our governance and in our civic life. It is in our nation's best interest to have an independent press that is free to question, challenge, and investigate issues and stories, without concern for political party, position or who holds power. The role of the media as a conduit between government and the citizens it serves must not be devalued.

This principle that we practice at home is also one that we promote abroad. Spreading democracy abroad has become a pillar of United States foreign policy, and we have recognized that a free and independent press is both essential to building democracies and a barometer of the health of young and often imperfect democratic systems. The example of press freedom we set in this country is an important beacon to guide other nations as they make the transition from autocratic forms of government.

Unfortunately, the free flow of information to citizens of the United States is inhibited and our open market of information is being threatened. While gathering information on a story, a journalist is sometimes required to accept information under a promise of confidentiality. Without assurance of anonymity, many conscientious citizens with evidence of wrongdoing would stay silent. Restricting the manner in which appropriate news is gathered is tantamount to restricting the information that the public has the right to hear.

After a long period when there were few clashes between the media and authorities, a disturbing new trend has developed. More than 30 reporters have recently been served subpoenas or questioned in at least four different Federal jurisdictions about their confidential sources. From 1991 to September 6, 2001, the Department of Justice issued 88 subpoenas to the media, 17 of which sought information leading to the identification of confidential sources. In fact, three journalists have been imprisoned at the request of the Department of Justice, U.S. attorneys under its supervision, or special prosecutors since 2000. As a result, the press is hobbled in performing the public service of reporting news. I fear the end result of such actions is that many whistleblowers will refuse to come forward and reporters will be unable to provide the American people with information they deserve.

Most jurisdictions in our country have recognized that confidential sources are integral to the press's role of keeping the public informed, and have provided some kind of shield so that journalists can keep secret the names of such sources. Every State and the District of Columbia, excluding Wyoming, has, by legislation or court ruling, created a privilege for reporters not to reveal their confidential sources. My own State of Indiana provides qualified reporters appropriate protection from having to reveal any such information in court.

The Federal courts of appeals, however, have an inconsistent view of this matter. Some circuits allow the privilege in one category of cases, while others have expressed skepticism about whether any privilege exists at all. It does not make sense to have a Federal system of various degrees of press freedom dependent upon where you live or who provides the subpoena. In fact, 34 State attorneys general have argued that the lack of a clear standard of Federal protection undermines state laws.

In addition, there is ambiguity between official Department of Justice rules and unofficial criteria used to secure media subpoenas. The Department of Justice guidelines also do not apply to special prosecutors or private civil litigants. There is an urgent need for Congress to state clear and concise policy guidance.

In response to this situation, 2 years ago, I was pleased to join with my colleague Congressman MIKE PENCE, and Congressman RICK BOUCHER in the House of Representatives and Senator CHRIS DODD in the Senate to introduce the Free Flow of Information Act. This legislation provides journalists with certain rights and abilities to seek sources and report appropriate information without fear of intimidation or imprisonment. The bill sets national standards which must be met before a Federal entity may issue a subpoena to a member of the news media in any Federal criminal or civil case. It sets out certain tests that civil litigants or prosecutors must meet before they can force a journalist to turn over information. Litigants or prosecutors must show, for instance, that they have tried, unsuccessfully, to get the information in other ways and that the information is critical to the case. These standards were based on Justice Department guidelines and common law standards.

Subsequently, additional protections have been added to this bill to ensure that information will be disclosed in cases where the information is critical to prevent death or bodily harm or in cases which relate to the unlawful disclosure of trade secrets. The bill also permits a reporter to be compelled to reveal the source in certain national security situations. Finally, the bill would provide protections to ensure that source information can be provided when personal health records and financial records were disclosed in violation of Federal law.

By providing the courts with a framework for compelled disclosure, our legislation promotes greater transparency of government, maintains the ability of the courts to operate effectively, and protects whistleblowers who identify government or corporate misdeeds.

It is also important to note what this legislation does not do. The legislation neither gives reporters a license to break the law, nor permits reporters to interfere with criminal investigation efforts. State shield laws have been on the books for years, and I have not seen any evidence to support a correlation between reporter privilege laws and criminal activity or threats to public safety. Furthermore, the Free Flow of Information Act does not weaken our national security. The explicit national security exception will ensure that reporters are protected while maintaining an avenue for prosecution and disclosure when considering the defense of our country. This qualified privilege has been carefully crafted to balance the distinct and important roles of both the press and law enforcement.

As ranking member of the United States Senate Foreign Relations Committee, I believe that passage of this bill would have positive diplomatic consequences. This legislation not only confirms America's Constitutional commitment to press freedom, it also advances President Bush's American foreign policy initiatives to promote and protect democracy. Our Nation always leads best when it leads by example.

Unfortunately, the press remains under siege in a number of foreign countries. For instance, Reporters Without Borders points out that 125 journalists are currently in jail around the world, with more than half of these cases in China, Cuba, and Burma. This is not good company for the United States of America. Global public opinion is always on the lookout to advertise perceived American double standards.

I would like to thank my colleague, Senator CHRIS DODD as well as MIKE PENCE and RICK BOUCHER, in the House of Representatives for their tireless work on this issue. I look forward to continuing work with each of them to protect the free flow of information.

Mr. DODD. Mr. President, I rise to join my colleague Senator LUGAR, along with Representatives BOUCHER and PENCE in the House of Representatives, in introducing the Free Flow of Information Act. This bill would protect journalists from being forced to reveal their confidential sources, not as an end in itself, but as a means to a well-informed public. I applaud the tireless efforts of the senior Senator from Indiana, Mr. LUGAR, in once again bringing this important issue to the attention of Congress and indeed the nation.

I hardly have to read the litany of grave wrongs that have been exposed because journalists called the powerful to account. And I don't have to remind you how many of those exposures relied on confidential sources. Without confidential sources, would we still be ignorant about abuse of power in the Watergate era? Without confidential sources, would Enron still be profiting from fraud? How long would torture at Abu Ghraib have persisted, if proof hadn't been provided to the press?

The free flow of information provides the American people its most meaningful check on abuses such as those. Thomas Jefferson said it best: ''If I had to make a choice, to choose the government without the press or to have the press but without the government, I will select the latter without hesitation.'' Jefferson clearly understood that a free Government cannot possibly last without a free press.

But today, we find this cornerstone of self-government facing a new threat. This threat has not come from the dictates of a dangerous government, but from the best of intentions. In a spate of recent cases, prosecutors have used subpoenas, fines, and jail time to compel journalists to reveal their anonymous sources. Judith Miller of The New York Times was jailed for 85 days for refusing to reveal a source. Two San Francisco Chronicle reporters were found in contempt of court for refusing to identify sources and hand over material related to the BALCO steroids investigation. A Rhode Island journalist was sentenced to home arrest on similar charges. Last year alone, a total of some two dozen reporters have been subpoenaed or questioned about confidential sources. They were all journalists prosecuted only for the offense of journalism.

The impact of these subpoenas on the broader issue of freedom of information is undeniable. Last summer, for instance, the editor-in-chief of Time magazine testified before the Senate Judiciary Committee. This is what he said about the fallout from the Justice Department's efforts to obtain confidential information from a Time reporter: ''Valuable sources have insisted that they no longer trusted the magazine and that they would no longer cooperate on stories. The chilling effect is obvious.''

The chilling effect is obvious. Experience has shown us that the most effective constraint on free speech need not be blatant censorship: A few cases like Ms. Miller's and the San Francisco Chronicle's, and news will begin censoring itself. We can only speculate as to how many editors and publishers put the brakes on a story for fear that it could land one of their reporters in a spider web of subpoenas, charges of contempt, and prison. When we minimize the impact of confidential sources, serious journalism is crippled. We will find our papers full of stories more and more palatable to the powerful and secretive. No one argues that that is the intention of those prosecuting these cases; but few deny that it could, in time, be their effect.

When journalists are hauled into court and threatened with imprisonment if they don't divulge their sources, we are entering dangerous territory for a democracy. The information we need to remain sovereign will be degraded; the public's right to know will be threatened; and I suggest to you that the liberties we hold dear will be threatened as well.

That is exactly why we need a Federal reporter shield. Forty-nine States and the District of Columbia have already recognized that need by enacting similar protection on the state level either through legislation or court decisions; the Free Flow of Information Act simply extends that widely recognized protection to the Federal courts.

The new version of this bill expands coverage in two significant ways. First, it will not only protect the information journalists obtain under the promise of confidentiality; it will also cover the ''work product'' of journalists as well, whether or not it was subject to that promise. And second, it no longer limits protection to mainstream reporters; the new version also shields any person ''engaged in journalism.'' In today's expansive media environment, it would be unacceptable to deny the shield to our citizen-journalists.

Of course, the reporter shield is not absolute. The public's need to know must be weighed against other goods, and that is why the bill establishes a balancing test that takes into account ''both the public interest in compelling disclosure and the public interest in gathering news and maintaining the free flow of information.'' Specifically, the bill will not protect anonymity when disclosure of a source would prevent imminent harm to national security, imminent death or bodily harm, or the release of personal or health related information. In other words, we are balancing our right to know with our need for security, whether physical or economic. Secrecy is as necessary in extreme circumstances as it is dangerous on the whole.

It is on the idea of balance that I would like to conclude. A prosecution, whatever its individual merits, sacrifices something higher when it turns on reporters; and so those merits must be balanced against the broader harms such a prosecution can work. If a free press inexorably creates a free government, as Jefferson suggested, then the agents of that free government, prosecutors included, owe a high debt to journalism. When prosecutors threaten journalism, they have begun to renege on that debt. So I am proud to support this valuable bill, a step toward rebalancing the pursuit of justice and the diffusion of truth.

By Mr. INHOFE:

S. 1269. A bill to improve border security in the United States and for other purposes; to the Committee on the Judiciary.

Mr. INHOFE. Mr. President, I once again today introduced S. 1269, the ENFORCE Act, because this body has failed to move forward with sound immigration legislation. My bill is a strong step in the right direction to help solve our growing problem of illegal immigration.

I did this already. I did this last year. We had a chance to talk about it, but we never were able to get this up to a vote. I do want to keep this subject moving because people are not talking about this anymore. This bill focuses on securing our borders and empowering our citizens and law enforcement officers to fight the all-time high flood of illegal immigrants. There are around a million illegal aliens infiltrating our borders each year. It also addresses some of the lesser known but equally destructive exploitations of our Nation by some of these illegal immigrants.

I wish to be clear, for some reason—I am not sure why—- I have been honored over the years to speak at nationalization ceremonies. It is one of the emotional things a person can go through. When you see people coming into this country and doing it the way

they are supposed to, they learn the history. Those who have gone through the legal process know more about the history of America than the average person you run into on the street. I am very strongly in favor of legal immigration.

In 1997, the U.S. Commission on Immigration Reform stated that ''measured, legal immigration has led to create one of the world's greatest multiethnic nations.'' I agree with that statement. I also agree with their statement that when immigrants become ''Americanized,'' they help cultivate a shared commitment to ''liberty, democracy, and equal opportunity'' in our Nation. That is legal immigration. I agree with that.

However, I am quoting now from Roy Beck, executive director of Numbers USA. He stated:

> A presence of 8 to 11 million illegal aliens—

I think the figure is now approximately 12 million—

> in this country is a sign that this country has lost control of its borders and the ability to determine who is a member of this national community. And a country that has lost that ability increasingly loses its ability to determine the rules of its society—environmental protections, labor protection, health protections, safety protections.

Further quoting:

> In fact, a country that cannot keep illegal immigration to a low level quickly ceases to be a real country, or a real community. Rather than being self-governed, such a country begins to have its destiny largely determined by citizens of other countries who manage to move in illegally.

With that being said, I cannot and I will not stand idly by and watch our great Nation collapse under the pressures of uncontrolled illegal immigration. This is a crisis, one that must be addressed aggressively. While I would not belabor the point, I will chronicle some of illegal immigration's specific threats to our Nation's vitality and how this bill will address them.

First and foremost, the issue of border security must be addressed. My bill would help ramp up border security by providing a way for civilians and retired law enforcement officers to assist the Border Patrol in stopping illegal border crossings. Keep in mind, if you are a retired Federal law enforcement officer, they have a mandatory retirement age of 57. There are many of these who would work for expenses. What we are advocating is a three-tiered system where you have the Border Patrol who are skilled the way they are today but have them fortified by this army of retired law enforcement officers and then bring in the third tier which are those which we have watched in the past that have been very effective in adding to the numbers on the border.

It is already working. It is very similar to the National Border Neighborhood Watch. I know in my State of Oklahoma it has been a very effective program. It is more eyes to watch and more talent to arrest, when necessary. A more obscure issue that also warrants reform is the legal status of what has become known as anchor babies.

To better their odds of remaining in the United States, illegal immigrants have taken advantage of a constitutional provision granting automatic citizenship to anyone born on U.S. soil. Unfortunately, by providing citizenship to these ''anchor babies,'' as they are known, our Nation rewards the illegal entry of their parents and facilities the further exploitation of our borders and national resources.

This trend has contributed to the alarming fact that the illegal immigrant population is growing faster than the birthrate of American citizens. According to the Center for Immigration Studies, based on numbers from the National Center of Health Statistics, in 2002, there were about 8.4 million illegal aliens, which represented about 3.3 percent of the total U.S. population. That same year, there were about 383,000 babies born to illegal aliens, which represents about 9.5 percent of all U.S. births in 2002.

This problem continues to grow exponentially and serves as a strong incentive for more aliens to illegally cross into our country in hopes of shortcutting citizenship requirements. Language included in the ENFORCE Act will put an end to this much exploited practice.

Another ''supposed'' obligation we face is the education of illegal aliens. Some States, such as my State of Oklahoma, allow the illegal aliens the advantage of receiving in-State tuition at our State colleges and universities. I believe it is inexcusable to give away State-subsidized educations to those who do not pay taxes. This act will address this problem by making it unlawful for illegal aliens to receive this particular handout.

The ENFORCE Act includes several provisions to halt illegal immigrants' continued exploitation of our tax laws and our Social Security benefits. One of the greatest problems in this area is illegal immigrants' abuse of the individual tax identification number. That is the ITIN program.

Currently, it so closely resembles the Social Security number that many illegal immigrants are able to use it in place of a Social Security card to bypass our tax laws or receive wrongly awarded benefits. The ENFORCE Act will require a change in the physical appearance of this particular document so its identity can no longer be mistaken for that of a Social Security number, and it will also prohibit that document from being used for identification purposes.

Additionally, my bill will require Social Security numbers to expire as soon as a person's permission to be in the United States expires. So it would expire at the same time that permission expires.

It will prohibit illegal immigrants who gain legal status from collecting Social Security benefits for the time they worked illegally in the country.

Finally, the legality of day-labor centers is a topic that must be addressed by any comprehensive immigration reform package. These day-labor centers exist within illegal immigration-friendly ''sanctuary sites'' and not just in San Francisco. Day-labor centers are State-designated and funded sites where illegal aliens congregate and wait for employers to pick them up for a day of illegal work.

One such site was approved in 2005 in Fairfax County, VA, to be paid for by taxpayer dollars. Sanctuary cities such as these enable and encourage unlawful activity by both illegal aliens and the employers who hire them. The ENFORCE Act will outlaw the creation of those particular centers.

Illegal immigrants continue to cause a myriad of problems for our country and for law-abiding citizens such as you and me. Illegal immigrants not only drain our economy through their exploitation of public services and resources, but we must not forget the national security threat posed by would-be terrorists who have entered our country illegally or remain here unlawfully by overstaying their visas.

The Center for Immigration Study says:

> Even though illegal aliens make little use of welfare, from which they are generally barred, the costs of illegal immigration in terms of government expenditures for education, criminal justice, and emergency medical care are significant. Illegal immigration is straining our economy, jeopardizing our security, and burdening our education and health care systems.

So this ENFORCE Act will provide solid tools to eliminate illegal immigration and strongly enforce the existing U.S. immigration laws. The seriousness of this crisis warrants that Americans of all political stripes come together to address this problem.

One thing that is not included in this legislation that I think should be included in any kind of reform—and some of my colleagues can remember I had on the floor of the Senate the legislation making English the official language of the United States—and it is interesting that some 88 percent of the American people want this, and some 70 percent of the Hispanic population want this also. It is also interesting that there are 50 countries around the world that have English as their official language, including Ghana in West Africa and some other countries, and yet we do not have it for ourselves. But that is going to be handled separately at a different time.

History shows us that declaring ''immigration bankruptcy'' does not work. We saw that in the amnesty of 1986. Simply granting citizenship to immigrants who are currently in our country illegally is not the answer. We have to enhance our border security, hold those accountable who encourage illegal immigration, and ensure that those who violate our laws by entering our country illegally do not remain here and are not easily welcomed back.

So I am introducing that legislation, and I am going to be bringing it up at the appropriate time.

By Mr. AKAKA (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. OBAMA, Mr. DURBIN, Mr. HARKIN, Mr. SALAZAR, and Mr. ISAKSON):

S. 1270. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today I am introducing the Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act to ensure fair treatment of commercial airline pilot retirees. I thank my cosponsors, Senators KENNEDY, INOUYE, OBAMA, DURBIN, HARKIN, and SALAZAR. I also thank Representative GEORGE MILLER for introducing the companion legislation in the other body.

My bill corrects an injustice imposed on pilots whose pensions have been terminated and handed over to the Pension Benefit Guaranty Corporation, PBGC. This bill will lower the age requirement to receive the maximum pension benefits allowed by the PBGC to age 60 for pilots, who are mandated by the Federal Aviation Administration, FAA, to retire before age 65. With the airline industry experiencing severe financial distress, we need to enact this legislation to assist pilots whose companies have been or will be unable to continue their defined benefit pension plans. This bill will require the PBGC to take into account the fact that the pilots are required to retire at the age of 60 when calculating their benefits.

The FAA requires commercial aviation pilots to retire when they reach the age of 60. Pilots are therefore denied the maximum pension benefit administered by the PBGC because they are required to retire before the age of 65. Herein lies the problem. If pilots want to work beyond the age of 60, they have to request a waiver from the FAA. It is my understanding that the FAA has only granted these waivers for pilots working for foreign airlines that fly to and from the United States. Therefore, retired pilots whose pensions are administered by the PBGC do not receive the maximum pension guarantee because they are forced to retire at age 60.

For plans terminated in 2005, the maximum benefit for someone that retires at 65 is $45,614 a year. For those who retire at 60, the maximum is $29,649. This significant reduction in benefits puts pilots in a difficult position. Their pensions have been reduced significantly and they are prohibited from reentering their profession due to the mandatory retirement age. They are unable to go back to their former jobs. My legislation ensures that pilots are able to obtain the maximum PBGC benefit without being unfairly penalized for having to retire at 60. We must pass this bill to provide some relief for United Airlines, Aloha Airlines, US Airways, Delta, TWA, and other pilots who have had their pensions terminated and taken over by the PBGC and suffer from this wrongly imposed penalty.

In the previous Congress, this legislation was included in the Senate-passed version of the Pension Security and Transparency Act of 2005. However, this provision was not included in the conference report. I urge my colleagues to support this bill so that we can finally provide some relief for our pilots who already have suffered financially due to the termination of their pension plans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1270

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 ''Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act''.

SEC. 2. AGE REQUIREMENT FOR AIRLINE PILOTS.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(3)) is amended by inserting at the end the following: ''If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this paragraph shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.''.

(b) AGGREGATE LIMIT ON BENEFITS GUARANTEED; CRITERIA APPLICABLE.—Section 4022B(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: ''If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to benefits payable on or after the date of enactment of this Act.

By Mr. KYL:

S. 1273. A bill to amend the Internal Revenue Code of 1986 to allow permanent look-through treatment of payments between related foreign corporations; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing legislation to make permanent a provision of our tax that was enacted in 2006 as part of the Increase Prevention and Reconciliation Act, but expires at the end of 2008. The controlled-foreign corporation (CFC) look-through provision allows U.S.-based multinational companies to better compete with foreign companies by enabling them to be more flexible in their overseas operations. In this age of global competition, I hope my colleagues will agree that the United States needs to maintain a business climate that encourages U.S.-based companies to grow and succeed. The CFC look-through provision is an important part of that effort.

For several years now, I have been encouraging my colleagues to recognize that our tax system puts many of our best U.S. employers at a competitive disadvantage as compared to foreign-based companies. Many foreign countries only impose tax on income earned within their borders; the United States taxes U.S. companies on their worldwide income.

The general rule is that income from a foreign subsidiary is not taxed by the United States until those earnings are brought back to the U.S. parent, usually in the form of a dividend. Subpart F of the Internal Revenue Code sets forth a number of exceptions to this general rule, imposing current U.S. tax, instead of allowing deferral of taxation, on subsidiary earnings generally when that income is passive in nature. One exception to the general deferral rule imposes tax on the U.S. parent when a foreign-based subsidiary receives dividends, interest, rents or royalties from another subsidiary that is located in a different country. If the two subsidiaries are in the same country, however, U.S. tax is generally deferred until the income is repatriated to the U.S. parent.

In 2005, I introduced legislation to extend this ''same-country'' treatment, the CFC look-through provision, to payments between related foreign subsidiaries that are located in different countries, and I was pleased that the 2006 tax reconciliation bill included this provision. Today, I am introducing legislation to make the CFC look-through permanent.

Today's global economy is significantly different from the environment that existed when the subpart F rules were first introduced in 1962. As the global economy has changed, the traditional model for operating a global business has changed as well. In today's world, it makes no sense to impose a tax penalty when a company wants to fund the operations of a subsidiary in one country from the active business earnings of a subsidiary in another country. For example, to operate efficiently, a U.S.-based manufacturer could establish specialized manufacturing sites, distribution hubs, and service centers. As a result, multiple related-party entities may be required to fulfill a specific customer order. Before the CFC look-through was enacted last year, U.S. tax law inappropriately increased the cost for these foreign

subsidiaries to serve their customers in a very competitive business environment by imposing current tax on these related-party payments, even though the income continues to be used in active operations in the foreign market.

In another example, financial institutions have established foreign subsidiaries with headquarters in a financial center, such as London, and branches in multiple countries in the same geographic region. This permits an efficient ''hub and spoke'' form of regional operation; however, this efficient business model made it difficult for the same-country exception to be met for payments of dividends and interest.

Before the CFC look-through was enacted, American companies were at a real and significant competitive disadvantage as compared to foreign-based companies. U.S.-based multinationals were penalized for responding to market or investment opportunities by redeploying active foreign earnings among foreign businesses conducted through multiple subsidiaries. To remove this impediment, Congress amended subpart F to provide a general exception for inter-affiliate payments of dividends, interest, rents or royalties that are generated from an active business.

Congress was right to apply look-through treatment to payments of dividends, interest, rents and royalties between subsidiaries. If the underlying earnings would not have been subject to subpart F, the payments should not be subpart F income. Look-through treatment for payments of dividends, interest, rents and royalties should be permitted as long as the payments are made out of active business, non-subpart F, income. Look-through principles are already well developed for other purposes of the Internal Revenue Code. For example, a look-through approach to the characterization of foreign income is used for purposes of calculating foreign tax credits. A consistent application of look-through principles simplifies the interaction between subpart F and the foreign tax credit rules.

If we want to keep U.S.-based multinational companies, which employ millions of workers here at home headquartered in the United States, we must modernize our tax rules so that our companies can be competitive around the globe. I urge my colleagues to cosponsor this legislation to make permanent this modest change in the law that will enhance the position of U.S.-based employers trying to succeed in competitive foreign markets.

By Mr. DURBIN:

S. 1274. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food for humans and pets; to the Committee on Health, Education, Labor, and Pensions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1274

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 ''Human and Pet Food Safety Act of 2007''.

SEC. 2. FOOD SAFETY FOR HUMANS AND PETS.

(a) ADVERSE EVENTS; INSPECTIONS; RECALL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 417. NOTIFICATION AND RECALL.

''(a) NOTICE TO SECRETARY OF VIOLATION.—

''(1) IN GENERAL.—A person that has reason to believe that any food introduced into or in interstate commerce, or held for sale (whether or not the first sale) after shipment in interstate commerce, may be in violation of this Act shall immediately notify the Secretary of the identity and location of the food.

''(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation.

''(b) RECALL AND CONSUMER NOTIFICATION; VOLUNTARY ACTIONS.—If the Secretary determines that food is in violation of this Act when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Secretary, the Secretary shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to—

''(1) cease distribution of the food;

''(2) notify all persons—

''(A) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

''(B) to which the food has been distributed, transported, or sold, to immediately cease distribution of the food;

''(3) recall the food;

''(4) in conjunction with the Secretary, provide notice of the finding of the Secretary—

''(A) to consumers to whom the food was, or may have been, distributed; and

''(B) to State and local public health officials; or

''(5) take any combination of the measures described in this paragraph, as determined by the Secretary to be appropriate in the circumstances.

''(c) CIVIL AND CRIMINAL PENALTIES.—

''(1) CIVIL SANCTIONS.—

''(A) CIVIL PENALTY.—Any person that commits an act that violates the notification and recall standards under subsection (b) (including a regulation promulgated or order issued under this Act) may be assessed a civil penalty by the Secretary of not more than $10,000 for each such act.

''(B) SEPARATE OFFENSE.—Each act described in subparagraph (A) and each day during which that act continues shall be considered a separate offense.

''(2) OTHER REQUIREMENTS.—

''(A) WRITTEN ORDER.—The civil penalty described in paragraph (1) shall be assessed by the Secretary by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (B) considered by the Secretary.

''(B) AMOUNT OF PENALTY.—Subject to paragraph (1)(A), the amount of the civil penalty shall be determined by the Secretary, after considering—

''(i) the gravity of the violation;

''(ii) the degree of culpability of the person;

''(iii) the size and type of the business of the person; and

''(iv) any history of prior offenses by the person under this Act.

''(C) REVIEW OF ORDER.—The order may be reviewed only in accordance with subsection (d).

''(3) EXCEPTION.—No person shall be subject to the penalties of this subsection—

''(A) for having received, proffered, or delivered in interstate commerce any food, if the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Secretary)—

''(i) the name, address and contact information of the person from whom that person purchased or received the food;

''(ii) copies of all documents relating to the person from whom that person purchased or received the food; and

''(iii) copies of all documents pertaining to the delivery of the food to that person; or

''(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—An order assessing a civil penalty under subsection (c) shall be a final order unless the person—

''(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and

''(B) simultaneously serves a copy of the petition by certified mail to the Secretary.

''(2) FILING OF RECORD.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Secretary shall file in the court a certified copy of the administrative record upon which the order was issued.

''(3) STANDARD OF REVIEW.—The findings of the Secretary relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

''(e) COLLECTION ACTIONS FOR FAILURE TO PAY.—

''(1) IN GENERAL.—If any person fails to pay a civil penalty assessed under subsection (c) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (d) has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

''(2) LIMITATION ON REVIEW.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Secretary assessing the civil penalty shall not be subject to judicial review.

''(f) PENALTIES PAID INTO ACCOUNT.—The Secretary—

''(1) shall deposit penalties collected under this section in an account in the Treasury; and

''(2) may use the funds in the account, without further appropriation or fiscal year limitation—

''(A) to carry out enforcement activities under food safety law; or

''(B) to provide assistance to States to inspect retail commercial food establishments, such as an establishment that holds, stores, or transports food or food ingredients, or

other food or firms under the jurisdiction of State food safety programs.

''(g) DISCRETION OF THE SECRETARY TO PROSECUTE.—Nothing in this section, section 418, or section 419 requires the Secretary to report for prosecution, or for the commencement of an action, the violation of this Act in a case in which the Secretary finds that the public interest will be adequately served by the assessment of a civil penalty under this section.

''(h) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.

''SEC. 418. MANDATORY RECALL ACTION.

''(a) MANDATORY ACTIONS.—If a person referred to in section 417(b) refuses to or does not adequately carry out the actions described in that section within the time period and in the manner prescribed by the Secretary, the Secretary shall—

''(1) have authority to control and possess the food, including ordering the shipment of the food from a food establishment, such as an establishment that holds, stores, or transports food or food ingredients, to the Secretary—

''(A) at the expense of such food establishment; or

''(B) in an emergency (as determined by the Secretary), at the expense of the Secretary; and

''(2) by order, require, as the Secretary determines to be necessary, the person to immediately—

''(A) cease distribution of the food; and

''(B) notify all persons—

''(i) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

''(ii) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.

''(b) NOTIFICATION TO CONSUMERS BY SECRETARY.—The Secretary shall, as the Secretary determines to be necessary, provide notice of the finding of the Secretary under paragraph (1)—

''(1) to consumers to whom the food was, or may have been, distributed; and

''(2) to State and local public health officials.

''(c) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under section 417(b)(2) or subsection (a)(2)(B) of this section shall immediately cease distribution of the food.

''(d) AVAILABILITY OF RECORDS TO SECRETARY.—Each person referred to in section 417 that processed, distributed, or otherwise handled food shall make available to the Secretary information necessary to carry out this subsection, as determined by the Secretary, regarding—

''(1) persons that processed, distributed, or otherwise handled the food; and

''(2) persons to which the food has been transported, sold, distributed, or otherwise handled.

''(e) INFORMAL HEARINGS ON ORDERS.—

''(1) IN GENERAL.—The Secretary shall provide any person subject to an order under subsection (a) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.

''(2) SCOPE OF THE HEARING.—In a hearing under paragraph (1), the Secretary shall consider the actions required by the order and any reasons why the food that is the subject of the order should not be recalled.

''(f) POST-HEARING RECALL ORDERS.—

''(1) AMENDMENT OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that there is a reasonable probability that the food that is the subject of an order under subsection (a), if consumed, would present a threat to the public health, the Secretary, as the Secretary determines to be necessary, may—

''(A) amend the order to require recall of the food or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.

''(2) VACATION OF ORDERS.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that adequate grounds do not exist to continue the actions required by the order, the Secretary shall vacate the order.

''(g) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

''SEC. 419. FOREIGN INSPECTIONS; IMPORTS.

''(a) AUTHORITY TO INSPECT.—The Secretary shall have the authority to visit any foreign country that imports to the United States human or pet food. Such a visit shall be for the purpose of auditing the food safety or pet food programs of such foreign country or to conduct investigations in the event that a food or ingredient of a food is found to violate this Act.

''(b) IMPORTS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish a system under which a foreign government or foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States shall submit a request for certification to the Secretary.

''(2) CERTIFICATION STANDARD.—A foreign government or foreign manufacturer, importer, distributor, or retailer requesting a certification to import food to the United States shall demonstrate, in a manner determined appropriate by the Secretary, that food produced under the supervision of a foreign government or by the foreign manufacturer, importer, distributor, or retailer has met standards for food safety, inspection, labeling, and consumer protection that are at least equivalent to standards applicable to food produced in the United States.

''(3) CERTIFICATION APPROVAL.—

''(A) REQUEST BY FOREIGN GOVERNMENT.—Prior to granting the certification request of a foreign government, the Secretary shall review, audit, and certify the food safety program of a requesting foreign government (including all statutes, regulations, and inspection authority) as at least equivalent to the food safety program in the United States, as demonstrated by the foreign government.

''(B) REQUEST BY FOREIGN ESTABLISHMENT.—Prior to granting the certification request of a foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States, the Secretary shall certify, based on an onsite inspection, the food safety programs and procedures of a requesting foreign firm as at least equivalent to the food safety programs and procedures of the United States.

''(4) LIMITATION.—A foreign government or foreign manufacturer, importer, distributor, or retailer approved by the Secretary to import food to the United States under this section shall be certified to export only the approved food products to the United States for a period not to exceed 5 years.

''(5) WITHDRAWAL OF CERTIFICATION.—The Secretary may withdraw certification of any food from a foreign government or foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States—

''(A) if such food is linked to an outbreak of human illness;

''(B) following an investigation by the Secretary that finds that the food safety programs and procedures of the foreign government or foreign manufacturer, importer, distributor, or retailer are no longer equivalent to the food safety programs and procedures in the United States; or

''(C) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

''(6) RENEWAL OF CERTIFICATION.—The Secretary shall audit a foreign government and a foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States at least every 5 years to ensure the continued compliance with the standards set forth in this section.

''(7) REQUIRED ROUTINE INSPECTION.—The Secretary shall routinely inspect food and food animals (via a physical examination) before it enters the United States to ensure that it is—

''(A) safe;

''(B) labeled as required for food produced in the United States; and

''(C) otherwise meets requirements under this Act.

''(8) RECORDS INSPECTION.—

''(A) IN GENERAL.—The responsible party or importer shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

''(B) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'authorized person' means an officer or employee of the Department of Health and Human Services, who has—

''(I) appropriate credentials, as determined by the Secretary; and

''(II) been duly designated by the Secretary to have access to the records required under this section; and

''(ii) the term 'responsible party' means, with respect to an article of food, any person responsible for the manufacturing, processing, packaging, or holding for such food for consumption in the United States.

''(9) ENFORCEMENT.—The Secretary is authorized to—

''(A) deny importation of food from any foreign government that does not permit United States officials to enter the foreign country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

''(B) deny importation of food from any foreign government or foreign manufacturer, importer, distributor, or retailer that does not consent to an investigation by the Administration when food from that foreign country or foreign firm is linked to a foodborne illness outbreak or is otherwise found to be adulterated or mislabeled; and

''(C) promulgate rules and regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of this Act.

''(10) DETENTION AND SEIZURE.—Any food imported for consumption in the United States may be detained, seized, or condemned pursuant to section 418.''.

SEC. 3. ENSURING EFFICIENT AND EFFECTIVE COMMUNICATIONS DURING A RECALL.

The Secretary shall, during an ongoing recall of human or pet food shall—

(1) work with companies, relevant professional associations, and other organizations

to collect and aggregate information pertaining to the recall;

(2) use existing networks of communication including electronic forms of information dissemination to enhance the quality and speed of communication with the public; and

(3) post information regarding recalled products on the Internet website of the Food and Drug Administration in a consolidated, searchable form that is easily accessed and understood by the public.

SEC. 4. ENSURING THE SAFETY OF PET FOOD.

(a) PROCESSING AND INGREDIENT STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in consultation with the Association of American Feed Control Officials, and other relevant stakeholder groups, including veterinary medical associations, animal health organizations, and pet food manufacturers, shall by regulation establish—

(1) processing and ingredient standards with respect to feed, pet food, animal waste, and ingredient definitions; and

(2) updated standards for the labeling of pet food that includes nutritional information and ingredient information.

(b) EARLY WARNING SURVEILLANCE SYSTEMS AND NOTIFICATION DURING PET FOOD RECALLS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall by regulation establish an early warning and surveillance system to identify contaminations of the pet food supply and outbreaks of illness from pet food. In establishing such system, the Secretary shall—

(A) use surveillance and monitoring mechanisms similar to, or in coordination with, those mechanisms used by the Centers for Disease Control and Prevention to monitor human health, such as the Foodborne Diseases Active Surveillance Network (FoodNet) and PulseNet;

(B) consult with relevant professional associations and private sector veterinary hospitals; and

(C) work with Health Alert Networks and other notification networks to inform veterinarians and relevant stakeholders during any recall of pet food.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) such sums as may be necessary.

SEC. 5. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1) the safety and integrity of the United States food supply is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) illnesses and deaths of individuals and companion pets caused by contaminated food—

(A) have contributed to a loss of public confidence in food safety; and

(B) have caused significant economic loses to manufactures and producers not responsible for contaminated food items;

(3) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination; and

(B) an increasing volume of imported food, without adequate monitoring and inspection;

(4) the United States is increasing the amount of food that it imports such that—

(A) from 2003 to the present, the value of food imports has increased from $45,600,000,000 to $64,000,000,000; and

(B) imported food accounts for 13 percent of the average Americans diet including 31 percent of fruits, juices, and nuts, 9.5 percent of red meat and 78.6 percent of fish and shellfish; and

(5) the number of full time equivalent Food and Drug Administration employees conducting inspections has decreased from 2003 to 2007.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it is vital for Congress to provide the Food and Drug Administration with additional resources, authorities, and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional Food and Drug Administration inspectors are required if we are to improve Food and Drug Administration's ability to safeguard the food supply of the United States; and

(3) because of the increasing volume of international trade in food products the Secretary of Health and Human Services should make it a priority to enter into agreements, including memoranda of understanding, with the trading partners of the United States with respect to food safety.

SEC. 6. ANNUAL REPORT TO CONGRESS.

The Secretary of Health and Human Service shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report that includes, with respect to the preceding 1-year period—

(1) the number and amount of food products imported into the United States, aggregated by country, and type of food, if any;

(2) a listing of the number of inspectors of imported food products and the number of inspections performed on such products; and

(3) aggregated data on the findings of such inspections, including data related to violations of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), and enforcement mechanisms used to follow-up on such findings and violations.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—URGING ALL SIDES TO THE CURRENT POLITICAL CRISIS IN UKRAINE TO ACT RESPONSIBLY AND USE DIALOGUE TO RESOLVE THE CRISIS AND ENSURE A FREE AND TRANSPARENT DEMOCRATIC SYSTEM IN UKRAINE BASED ON THE RULE OF LAW

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) urges all sides to the current political crisis in Ukraine to act responsibly and use dialogue to resolve the crisis;

(3) urges all sides to adhere to the rule of law and resolve disputes in a peaceful manner consistent with Ukraine's democratic values and national interest, in keeping with its commitments as a member of the Organization for Security and Cooperation in Europe (OSCE);

(4) expresses strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights;

(5) pledges its continued assistance to the strengthening of a free and transparent democratic system in Ukraine based on the rule of law and the continued development of a free market economy in Ukraine; and

(6) reaffirms its commitment to Ukraine's independence, sovereignty and territorial integrity, and assumption of Ukraine's rightful place as a full member of the international community of democracies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1008. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

SA 1009. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1010. Mr. COCHRAN (for himself, Mr. CARPER, Mr. NELSON, of Nebraska, Mr. HATCH, Mr. BENNETT, Mr. ENZI, Mr. BURR, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, supra.

SA 1011. Ms. STABENOW (for herself, Mr. THUNE, Mr. LOTT, Mr. BROWN, and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 1082, supra.

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1013. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1014. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1015. Mr. HAGEL (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1016. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1017. Mr. GREGG (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1018. Mr. DEMINT (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. MARTINEZ, Mr. VITTER, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1082, supra.

SA 1019. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1020. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1021. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1022. Mr. DURBIN (for himself, Mr. ENZI, Mr. KENNEDY, Mr. ALLARD, Mr. KOHL, Ms. CANTWELL, Mr. SCHUMER, Mr. BIDEN, Mr. NELSON, of Florida, and Mr. CASEY) proposed an amendment to the bill S. 1082, supra.

SA 1023. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1024. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1025. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. ENZI, Mr. HATCH, and Mr. KENNEDY) proposed an amendment to the bill S. 1082, supra.

SA 1026. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1027. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1028. Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. KOHL, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1029. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1030. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1031. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1032. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1033. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1008. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 252 and insert the following:

SEC. ___. MARIJUANA SMOKED BY PATIENTS.

(a) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary of Health and Human Services shall conduct an evaluation of the manufacture, distribution, and use of marijuana in States that have enacted laws legalizing, decriminalizing, or otherwise allowing the use of marijuana for purported medical use to determine—

(A) whether such activity is taking place in violation of any provision of Federal law for which the Department of Health of Human Services is responsible; and

(B) whether such marijuana activities are taking place in violation of any provision of the Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that is designed to ensure the safety and effectiveness of drugs used by the American public.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report concerning the findings of the evaluation conducted under paragraph (1).

(b) DETERMINATION OF EFFECTIVENESS.—Not later than 30 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall, based on available scientific data, make a determination, and disclose such determination to the general public, concerning—

(1) whether or not smoked marijuana is a safe or effective treatment for any medical condition; and

(2) the adverse impact to human health, both physician and mental, as a result of smoking marijuana.

SA 1009. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

Subtitle ____Antibiotic Safety and Innovation

SEC. 2____. DEVELOPMENT OF ANTIMICROBIALS.

(a) INCENTIVES FOR DEVELOPMENT OF NEW ANTIBIOTICS AND NEW ANTIBIOTIC USES.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is further amended by adding at the end the following:

''(r)(1) Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an approved application described in paragraph (2) may elect to receive, with respect to the drug—

''(A)(i) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F); and

''(ii) the 5-year exclusivity period referred to under subsection (c)(3)(E)(ii) and under subsection (j)(5)(F)(ii); or

''(B) a patent term extension under section 156 of title 35, United States Code.

''(2) An application described under this paragraph is an application for marketing submitted under this section after the date of enactment of this subsection in which—

''(A) the drug that is the subject of the application contains an antibiotic drug; and

''(B) such antibiotic drug was the subject of an application received by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

''(3) Paragraph (1) shall not be construed to entitle a drug that is the subject of an approved application described in paragraph (2) for any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1).''.

(b) BIOEQUIVALENCE TO LISTED ANTIBIOTIC DRUG.—Section 505(j)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(8)) is amended by adding at the end the following:

''(D) Notwithstanding any other provision of this subsection, an oral antibiotic drug that is not intended to be absorbed into the bloodstream shall be considered to be bioequivalent to a listed antibiotic drug only if—

''(i) clinical trials do not show a significant difference between the antibiotic drug and the listed antibiotic drug in safety and effectiveness; or

''(ii) the Secretary has—

''(I) established alternative, scientifically valid methods that are reasonably expected to detect a significant difference between the antibiotic drug and the listed antibiotic drug in safety and effectiveness;

''(II) developed the alternative, scientifically valid methods described in subclause (I) through notice and comment rulemaking in accordance with section 553 of title 5, United States Code; and

''(III) determined that, based on the alternative, scientifically valid methods described in subclauses (I) and (II), there is no significant difference between the antibiotic drug and the listed antibiotic drug in safety and effectiveness.''.

(c) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting and, if appropriate, issue guidance regarding which serious and life-threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under subsection (a) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(d) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Subsection (c) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

''(c) For grants and contracts under subsection (a), there are authorized to be appropriated such sums as already have been appropriated for fiscal year 2007, and $35,000,000 for each subsequent fiscal year.''.

SEC. 2____. ESTABLISHMENT OF ANTIMICROBIAL BREAKPOINTS.

(a) DEFINITION.—In this section, the term ''antimicrobial breakpoint'' means specific values which characterize bacteria as clinically susceptible, intermediate, or resistant to the drug (or drugs) tested, such as Minimum Inhibitory Concentrations (MICs) or zones of inhibitions.

(b) ESTABLISHMENT OF BREAKPOINTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall direct the Commissioner of Food and Drugs to establish and periodically update antimicrobial breakpoints.

(2) REVIEW AND UPDATE.—Antimicrobial breakpoints shall be reviewed and updated as necessary pursuant to recommendations from the Antimicrobial Resistance Task Force and in consultation with the Centers for Disease Control and Prevention, or more frequently upon the discretion of the Commissioner of Food and Drugs, but in no case less than once every 5 years.

(c) PUBLIC AVAILABILITY.—The Secretary shall direct the Commissioner of Food and Drugs to make antimicrobial breakpoints publicly available within 30 days of the date of establishment and any update under this section.

(d) ADVISORY ORGANIZATIONS.—The Commissioner of Food and Drugs may contract with an organization or organizations to aid in the establishment of antimicrobial breakpoints under this section in a manner not inconsistent with the Federal Advisory Committee Act (5 U.S.C. App.). The Commissioner of Food and Drugs shall make the final determination regarding establishments of antimicrobial breakpoints under this section.

SEC. 2____. EXCLUSIVITY OF CERTAIN DRUGS CONTAINING ENANTIOMERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S. C. 355), as amended by this subtitle, is amended by adding at the end the following:

''(s) DRUGS CONTAINING ENANTIOMERS.—For purposes of subsections (c)(3)(E)(ii) and (j)(5)(F)(ii), if an application is submitted under subsection (b) for a non-racemic drug containing as an active ingredient a single enantiomer that is contained in a racemic drug approved in another application under subsection (b), the single enantiomer shall not be considered the same active ingredient contained in the approved racemic drug, if—

''(1)(A) the single enantiomer has not been previously approved as an active ingredient except in the approved racemic drug; and

''(B) the application submitted under subsection (b) for the drug containing the single enantiomer includes full reports of investigations described in subsection (b)(1)(A) which do not rely on any investigations that are part of the application submitted under subsection (b) for approval of the approved racemic drug; and

''(2)(A) the application submitted under subsection (b) for the drug containing the single enantiomer is not submitted for approval of a use—

''(i) in a therapeutic area in which the approved racemic drug has been approved; or

''(ii) for which any other enantiomer of the racemic drug has been approved; or

''(B) in the case of an antibiotic drug, such drug is demonstrated through well-controlled clinical trials to be safe and effective for a use for which the racemic drug has not been approved and for which no other enantiomer of the racemic drug has been previously approved.''.

SA 1010. Mr. COCHRAN (for himself, Mr. CARPER, Mr. NELSON of Nebraska, Mr. HATCH, Mr. BENNETT, Mr. ENZI, Mr. BURR, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. ___. PROTECTION OF HEALTH AND SAFETY.

This title, and the amendments made by this title, shall become effective only if the Secretary of Health and Human Services certifies to Congress that the implementation of this title (and amendments) will—

(1) pose no additional risk to the public's health and safety; and

(2) result in a significant reduction in the cost of covered products to the American consumer.

SA 1011. Ms. STABENOW (for herself, Mr. THUNE, Mr. LOTT, Mr. BROWN, and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

''(r) CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.—

''(1) IN GENERAL.—

''(A) NO DELAY OF CONSIDERATION OR APPROVAL.—

''(i) IN GENERAL.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

''(ii) NO DELAY OF CONSIDERATION.—The receipt of a petition is not just cause to delay consideration of an application submitted under subsection (b)(2) or (j) and consideration of a petition described in clause (i) shall be separate and apart from the review of an application submitted under either such subsection.

''(iii) NO DELAY OF APPROVAL WITHOUT DETERMINATION.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 30 days after the submission of the petition, that a delay is necessary to protect the public health.

''(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

''(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

''(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

''(2) TIMING OF FINAL AGENCY ACTION ON PETITIONS.—

''(A) IN GENERAL.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

''(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

''(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

''(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

''(3) VERIFICATIONS.—

''(A) PETITIONS FOR REVIEW.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; and (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about _____. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: _____. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

''(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents. I further certify that the information upon which I have based the action requested herein first became known to me on or about _____. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: _____. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

''(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

''(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

''(B) the number of petitions that were submitted during such period;

''(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

''(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

''(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

''(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the

date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

''(7) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request to the Secretary, without regard to whether the request is characterized as a petition.''.

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF GENERIC DRUGS.

Notwithstanding section 736(b) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(b) of this Act), the Secretary of Health and Human Services shall allocate $20,000,000 of the user fees generated by section 736(a) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(a) of this Act), for each fiscal year beginning with fiscal year 2009 and ending with fiscal year 2012, to the Office of Generic Drugs of the Food and Drug Administration, for the sole purpose of reviewing and approving abbreviated new drug applications.

SA 1013. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF GENERIC DRUGS.

(a) FINDINGS.—Congress makes the following findings:

(1) More than $100,000,000,000 in blockbuster brand pharmaceutical products will lose patent protection between April 2007 and 2010. As a result, more applications for generic versions of these products will be filed with the Office of Generic Drugs of the Food and Drug Administration.

(2) The staff of the Office of Generic Drugs is backlogged. Approximately 800 generic drug applications are pending review as of April 2007.

(3) The workload of the Office of Generic Drugs has increased by 36 percent since 2004, yet the Office has the same budget and the same number of staff.

(4) The workload of the Office of Generic Drugs also has increased due to the filing of citizen petitions by brand companies designed to delay generic drug approvals.

(5) A modest investment in the Office of Generic Drugs, such as $15,000,000, would help to make more affordable medicines available in a timely manner to consumers and public and private health care purchasers, who would save billions of dollars.

(6) Those savings also would enable the Federal Government to reach more Americans through important health care initiatives, such as Medicare, Medicaid, and programs to improve children's health care, assist the chronically ill, and fight HIV/AIDS.

(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 736(b) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(b) of this Act), the Secretary of Health and Human Services shall allocate $20,000,000 of the user fees generated by section 736(a) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(a) of this Act), for each fiscal year beginning with fiscal year 2009 and ending with fiscal year 2012, to the Office of Generic Drugs of the Food and Drug Administration, for the sole purpose of reviewing and approving abbreviated new drug applications.

SA 1014. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. COUNTERFEIT-RESISTANT TECHNOLOGIES FOR PRESCRIPTION DRUGS.

(a) REQUIRED TECHNOLOGIES.—The Secretary of Health and Human Services shall require that the packaging of any prescription drug incorporate—

(1) radio frequency identification (RFID) tagging technology, or similar trace and track technologies that have an equivalent function;

(2) tamper-indicating technologies; and

(3) blister security packaging when possible.

(b) USE OF TECHNOLOGIES.—

(1) AUTHORIZED USES.—The Secretary shall require that technologies described in subsection (a)(1) be used exclusively to authenticate the pedigree of prescription drugs, including by—

(A) implementing inventory control;

(B) tracking and tracing prescription drugs;

(C) verifying shipment or receipt of prescription drugs;

(D) authenticating finished prescription drugs; and

(E) electronically authenticating the pedigree of prescription drugs.

(2) PRIVACY PROTECTION.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any information that may be used to identify a health care practitioner or the prescription drug consumer.

(3) PROHIBITION AGAINST ADVERTISING.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any advertisement or information about prescription drug indications or off-label prescription drug uses.

(c) RECOMMENDED TECHNOLOGIES.—The Secretary shall encourage the manufacturers and distributors of prescription drugs to incorporate into the packaging of such drugs, in addition to the technologies required under subsection (a), overt optically variable counterfeit-resistant technologies that—

(1) are visible to the naked eye, providing for visual identification of prescription drug authenticity without the need for readers, microscopes, lighting devices, or scanners;

(2) are similar to technologies used by the Bureau of Engraving and Printing to secure United States currency;

(3) are manufactured and distributed in a highly secure, tightly controlled environment; and

(4) incorporate additional layers of nonvisible covert security features up to and including forensic capability.

(d) STANDARDS FOR PACKAGING.—

(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of prescription drugs, the Secretary shall require manufacturers of prescription drugs to incorporate the technologies described in paragraphs (1), (2), and (3) of subsection (a), and shall encourage manufacturers and distributors of prescription drugs to incorporate the technologies described in subsection (c), into multiple elements of the physical packaging of the drugs, including—

(A) blister packs, shrink wrap, package labels, package seals, bottles, and boxes; and

(B) at the item level.

(2) LABELING OF SHIPPING CONTAINER.—Shipments of prescription drugs shall include a label on the shipping container that incorporates the technologies described in subsection (a)(1), so that members of the supply chain inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

(e) PENALTY.—A prescription drug is deemed to be misbranded for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) if the packaging or labeling of the drug is in violation of a requirement or prohibition applicable to the drug under subsection (a), (b), or (d).

(f) TRANSITIONAL PROVISIONS; EFFECTIVE DATES.—

(1) NATIONAL SPECIFIED LIST OF SUSCEPTIBLE PRESCRIPTION DRUGS.—

(A) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a list, to be known as the National Specified List of Susceptible Prescription Drugs, consisting of not less than 30 of the prescription drugs that are most frequently subject to counterfeiting in the United States (as determined by the Secretary).

(B) REVISION.—Not less than annually through the end of calendar year 2010, the Secretary shall review and, as appropriate, revise the National Specified List of Susceptible Prescription Drugs. The Secretary may not revise the List to include fewer than 30 prescription drugs.

(2) EFFECTIVE DATES.—The Secretary shall implement the requirements and prohibitions of subsections (a), (b), and (d)—

(A) with respect to prescription drugs on the National Specified List of Susceptible Prescription Drugs, beginning not later than the earlier of—

(i) 1 year after the initial publication of such List; or

(ii) December 31, 2008; and

(B) with respect to all prescription drugs, beginning not later than December 31, 2011.

(3) AUTHORIZED USES DURING TRANSITIONAL PERIOD.—In lieu of the requirements specified in subsection (b)(1), for the period beginning on the effective date applicable under paragraph (2)(A) and ending on the commencement of the effective date applicable under paragraph (2)(B), the Secretary shall require that technologies described in subsection (a)(1) be used exclusively to verify the authenticity of prescription drugs.

(g) DEFINITIONS.—In this Act:

(1) The term ''pedigree''—

(A) means the history of each prior sale, purchase, or trade of the prescription drug involved to a distributor or retailer of the drug (including the date of the transaction and the names and addresses of all parties to the transaction); and

(B) excludes information about the sale, purchase, or trade of the drug to the drug consumer.

(2) The term ''prescription drug'' means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

SA 1015. Mr. HAGEL (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LUNG CANCER COMPUTED TOMOGRAPHY ASSESSMENT AND INTERIM QUALITY STANDARDS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that contains—

(1) an assessment of the number, quality, charges, and capabilities of sites offering computed tomography scanning for the diagnosis of lung cancer;

(2) interim quality standards for computed tomography scanning for the diagnosis of lung cancer which incorporate the protocol established by the International Early Lung Cancer Action Program and contained in the document dated October 20, 2006 entitled ''International Early Lung Cancer Action Program: Enrollment and Screening Protocol''; and

(3) recommendations, including legislative recommendations if appropriate, for the establishment of lung cancer diagnostic centers, as practicable, to collect and analyze the data as recommended under the protocol described in paragraph (2) in order to continue and accelerate research into the early detection, diagnosis, and treatment of lung cancer.

SA 1016. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. NATIONAL CENTERS FOR PHARMACEUTICAL INNOVATION.

Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''Subchapter ____—Establishment of the National Centers for Pharmaceutical Innovation

''SEC. ____1. ESTABLISHMENT OF THE CENTERS.

''(a) IN GENERAL.—The Commissioner of Food and Drugs, in consultation with the Secretary, shall establish through competitive selection not more than 5 university-based National Centers for Pharmaceutical Innovation (referred to in this subchapter as the 'Centers').

''(b) PURPOSE OF CENTERS.—The purpose of the Centers is to advance the Food and Drug Administration's Critical Path Initiative, as well as subsequent efforts, to modernize medical pharmaceutical product development by—

''(1) designing methodologies to dramatically increase the speed at which new drugs enter the market while significantly reducing the cost of such process;

''(2) developing new technological tools to speed the creation of safer, more effective drugs targeted at individuals;

''(3) assisting the Food and Drug Administration with drug therapy-monitoring programs to look for adverse consequences utilizing medicines;

''(4) expanding the quality and number of professionals trained in translational medicine, translational therapeutics, and the manufacture of pharmaceutical and biotechnology products; and

''(5) introducing new technologies to improve the manufacture of pharmaceutical and biotechnology products.

''SEC. ____2. CRITERIA FOR SELECTION.

''The Commissioner of Food and Drugs, in consultation with the Secretary, shall select the Centers from among qualified university or university consortium applicants on the basis of key factors in pharmaceutical product development, safety, and manufacturing technology, including—

''(1) whether the applicant has established graduate training programs that integrate the elements of translational therapeutics, including basic and clinical pharmacology, pharmaceutical science, including pharmacokinetic modeling, analytical technologies, genomics and proteomics, pharmacoepidemiology, informatics, and statistics;

''(2) demonstration of extensive experience in the development and evaluation of medicines through drug approval to the post-marketing process;

''(3) scientific programs in translational therapeutics and pharmaceutical science designed to hasten the personalization of medicine;

''(4) proficiencies in pharmaceutical and biotechnology science and engineering, including therapy development and manufacturing; and

''(5) other factors that the Commissioner of Food and Drugs determines appropriate.

''SEC. ____3. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each of the fiscal years 2008 through 2013.''.

SA 1017. Mr. GREGG (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE,, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 7 and 8 of the amendment and insert the following:

SEC. 7. INTERNET PHARMACIES.

(a) INTERNET PHARMACIES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

''SEC. 511. INTERNET PHARMACIES.

''(a) DEFINITIONS.—In this section:

''(1) ADVERTISING SERVICE PROVIDER.—The term 'advertising service provider' means an advertising company that contracts with a provider of an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) to provide advertising on the Internet.

''(2) DESIGNATED PAYMENT SYSTEM.—

''(A) IN GENERAL.—The term 'designated payment system' means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that the Board determines, by regulation or order, is regularly used in connection with, or to facilitate restricted transactions.

''(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

''(i) a creditor;

''(ii) a credit card issuer;

''(iii) a financial institution;

''(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

''(v) a money transmitting business; or

''(vi) a participant in an international, national, regional, or local network constructed primarily to effect a credit transaction, electronic fund transfer, or money transmitting service.

''(3) FEDERAL FUNCTIONAL REGULATOR.—The term 'Federal functional regulator' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

''(4) INTERNET PHARMACY.—The term 'Internet pharmacy' means a person that offers to dispense or dispenses in the United States a prescription drug through an Internet website in interstate commerce, regardless of whether the physical location of the principal place of business of the Internet pharmacy is in the United States or in another country.

''(5) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug described in section 503(b) that is approved by the Secretary under section 505.

''(6) RESTRICTED TRANSACTION.—The term 'restricted transaction' means a transaction or transmittal, on behalf of a individual who places an unlawful Internet pharmacy request to any person engaged in the operation of an unlicensed Internet pharmacy, of—

''(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful Internet request (including credit extended through the use of a credit card);

''(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful Internet request;

''(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful Internet request and is drawn on or payable at or through any financial institution; or

''(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful Internet request.

''(7) TREATING PROVIDER.—The term 'treating provider' means a health care provider licensed in the United States who is authorized to prescribe medications and who—

''(A)(i) performs a documented patient evaluation (including a patient history and physical examination) of an individual, portions of which may be conducted by other health professionals;

''(ii) discusses with the individual the treatment options of the individual and the risks and benefits of treatment; and

''(iii) maintains contemporaneous medical records concerning the individual; or

''(B) provides care to an individual as part of an on-call or cross-coverage arrangement with a health care provider described in subparagraph (A).

''(8) UNLAWFUL INTERNET PHARMACY REQUEST.—The term 'unlawful Internet pharmacy request' means the request, or transmittal of a request, made to an unlicensed Internet pharmacy for a prescription drug by mail (including a private carrier), facsimile, telephone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

''(9) UNLICENSED INTERNET PHARMACY.—The term 'unlicensed Internet pharmacy' means an Internet pharmacy that is not licensed under this section.

''(10) OTHER DEFINITIONS.—

''(A) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(B) CREDIT; CREDITOR; CREDIT CARD.—The terms 'credit', 'creditor', and 'credit card' have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(C) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

''(i) has the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

''(ii) includes any fund transfer covered under article 4A of the Uniform Commercial Code, as in effect in any State.

''(D) FINANCIAL INSTITUTION.—The term 'financial institution'—

''(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

''(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

''(E) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the meanings given the terms in section 5330(d) of title 31, United States Code.

''(b) IN GENERAL.—An Internet pharmacy may only dispense or offer to dispense a prescription drug to a person in the United States in accordance with this section.

''(c) LICENSING OF INTERNET PHARMACIES.—

''(1) IN GENERAL.—An Internet pharmacy shall be licensed by the Secretary in accordance with this section prior to offering to dispense or dispensing a prescription drug to an individual.

''(2) CONDITIONS FOR LICENSING.—

''(A) APPLICATION REQUIREMENTS.—An Internet pharmacy shall submit to the Secretary an application that includes—

''(i)(I) in the case of an Internet pharmacy located in the United States, verification that, in each State in which the Internet pharmacy engages in dispensing or offering to dispense prescription drugs, the Internet pharmacy, and all employees and agents of the Internet pharmacy, is in compliance with applicable Federal and State laws regarding—

''(aa) the practice of pharmacy, including licensing laws and inspection requirements; and

''(bb) the manufacturing and distribution of controlled substances, including with respect to mailing or shipping controlled substances to consumers; or

''(II) in the case of an Internet pharmacy whose principal place of business is located outside the United States, verification that—

''(aa) all employees and agents of the Internet pharmacy are in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

''(bb) the Internet pharmacy is in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

''(cc) the Internet pharmacy expressly and affirmatively agrees to provide and maintain an agent for service of process in the United States;

''(dd) the Internet pharmacy expressly and affirmatively agrees to be subject to the jurisdiction of the United States and any of its States or territories where it engages in commerce; and

''(ee) the Internet pharmacy agrees to affix to each shipping container of drugs to be shipped in the United States such markings as the Secretary determines to be necessary to identify that the shipment is from a licensed Internet pharmacy, which may include anticounterfeiting or track-and-trace technologies;

''(ii) verification that the person that owns the Internet pharmacy has not had a license for an Internet pharmacy terminated by the Secretary, and that no other Internet pharmacy owned by the person has had a license under this subsection that has been terminated by the Secretary;

''(iii) verification from the person that owns the Internet pharmacy that the person will permit inspection of the facilities and business practices of the Internet pharmacy by the Secretary to the extent necessary to determine whether the Internet pharmacy is in compliance with this subsection;

''(iv) in the case of an agreement between a patient and an Internet pharmacy that releases the Internet pharmacy, and any employee or agent of the Internet pharmacy, from liability for damages arising out of the negligence of the Internet pharmacy, an assurance that such a limitation of liability shall be null and void;

''(v) verification that the Internet pharmacy expressly and affirmatively agrees to provide the Secretary with the identity of any providers of interactive computer services that provide host services or advertising services for the Internet pharmacy; and

''(vi) assurance that the Internet pharmacy will comply with the requirements under subparagraphs (B) and (C).

''(B) IDENTIFICATION REQUIREMENTS.—An Internet pharmacy shall post in a clear and visible manner, on each page of the website of the Internet pharmacy or by a link to a separate page, the following information:

''(i) The street address, city, ZIP Code or comparable mail code, State (or comparable entity), country, and telephone number of—

''(I) each place of business of the Internet pharmacy; and

''(II) the name of the supervising pharmacist of the Internet pharmacy and each individual who serves as a pharmacist for purposes of the Internet pharmacy website.

''(ii) The names of all States in which the Internet pharmacy and the pharmacists employed by the Internet pharmacy are licensed or otherwise authorized to dispense prescription drugs.

''(iii) If the Internet pharmacy makes referrals to, or solicits on behalf of, a health care practitioner or group of practitioners in the United States for prescription services—

''(I) the name, street address, city, ZIP Code or comparable mail code, State, and telephone number of the practitioner or group; and

''(II) the name of each State in which each practitioner is licensed or otherwise authorized to prescribe drugs.

''(iv) A statement that the Internet pharmacy will dispense prescription drugs only after receipt of a valid prescription from a treating provider.

''(v) A distinctive tamper resistant seal to identify that the Internet pharmacy is licensed.

''(C) PROFESSIONAL SERVICES REQUIREMENTS.—An Internet pharmacy shall carry out the following:

''(i) Maintain patient medication profiles and other related data in a readily accessible format organized to facilitate consultation with treating providers, caregivers, and patients.

''(ii) Conduct prospective drug use reviews before dispensing medications or medical devices.

''(iii) Ensure patient confidentiality and the protection of patient identity and patient-specific information, in accordance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(iv) Offer interactive and meaningful consultation by a licensed pharmacist to the caregiver or patient before and after the time at which the Internet pharmacy dispenses the drug.

''(v)(I) Establish a mechanism for patients to report errors and suspected adverse drug reactions.

''(II) Document in the reporting mechanism the response of the Internet pharmacy to those reports.

''(III) Submit those reports within 3 days of receipt and the response of the Internet pharmacy to the Food and Drug Administration in a manner determined appropriate by the Secretary.

''(vi) Develop a system to inform caregivers and patients about drug recalls.

''(vii) Educate caregivers and patients about the appropriate means of disposing of expired, damaged, or unusable medications.

''(viii) Assure that the sale of a prescription drug is in accordance with a valid prescription from the treating provider of the individual.

''(ix)(I) Verify the validity of the prescription of an individual by using 1 of the following methods:

''(aa) If the prescription for any drug other than a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) is received from an individual or the treating provider of the individual by mail (including a private carrier), or from the treating provider of the individual by electronic mail, the validity of the prescription shall be confirmed in accordance with all applicable Federal and State laws.

''(bb) If the prescription is for a controlled substance (as defined in section 102 of the Controlled Substances Act), the validity of the prescription shall be confirmed with the treating provider as described in subclause (II).

''(II) When seeking verification of a prescription of an individual under subclause (I)(bb), an Internet pharmacy shall provide to the treating provider the following information:

''(aa) The full name and address of the individual.

''(bb) Identification of the prescription drug.

''(cc) The quantity of the prescription drug to be dispensed.

''(dd) The date on which the individual presented the prescription to the Internet pharmacy.

''(ee) The date and time of the verification request.

''(ff) The name of a contact person at the Internet pharmacy, including a voice telephone number, electronic mail address, and facsimile telephone number.

''(III) A prescription is verified under subclause (I)(bb) only if 1 of the following occurs:

''(aa) The treating provider confirms, by direct communication with the Internet pharmacy, that the prescription is accurate.

''(bb) The treating provider informs the Internet pharmacy that the prescription is inaccurate and provides the accurate prescription.

''(IV) An Internet pharmacy shall not fill a prescription if—

''(aa) a treating provider informs the Internet pharmacy within 72 hours after receipt of a communication under subclause (I)(bb) that the prescription is inaccurate or expired; or

''(bb) the treating provider does not respond within that time.

''(x) Maintain, for such period of time as the Secretary shall prescribe by regulation, a record of all direct communications with a treating provider regarding the dispensing of a prescription drug, including verification of the prescription.

''(3) LICENSURE PROCEDURE.—

''(A) ACTION BY SECRETARY.—On receipt of a complete licensing application from an Internet pharmacy under paragraph (2), the Secretary shall—

''(i) assign an identification number to the Internet pharmacy;

''(ii) notify the applicant of the receipt of the licensing application; and

''(iii) if the Internet pharmacy is in compliance with the conditions under paragraph (2), issue a license not later than 60 days after receipt of a licensing application from the Internet pharmacy.

''(B) ELECTRONIC FILING.—

''(i) IN GENERAL.—For the purpose of reducing paperwork and reporting burdens, the Secretary shall require the use of electronic methods of submitting to the Secretary a licensing application required under this section and provide for electronic methods of receiving the applications.

''(ii) AUTHENTICATION.—In providing for the electronic submission of such licensing applications under this section, the Secretary shall ensure that adequate authentication protocols are used to allow identification of the Internet pharmacy and validation of the data as appropriate.

''(4) DATABASE.—

''(A) IN GENERAL.—The Secretary shall compile, maintain, and periodically update a database of the Internet pharmacies licensed under this section.

''(B) AVAILABILITY.—The Secretary shall make the database described under subparagraph (A) and information submitted by the licensee under paragraph (2)(B) available to the public on an Internet website and through a toll-free telephone number.

''(5) FEES.—

''(A) IN GENERAL.—

''(i) LICENSING APPLICATION FEE.—The Secretary shall establish a licensing application fee to be paid by all applicants.

''(ii) RENEWAL FEE.—The Secretary shall establish a yearly renewal fee to be paid by all Internet pharmacies licensed under this section.

''(B) COLLECTION.—

''(i) COLLECTION OF LICENSING APPLICATION FEE.—A licensing application fee payable for the fiscal year in which the Internet pharmacy submits a licensing application, as established under subparagraph (C), shall be payable upon the submission to the Secretary of such licensing application.

''(ii) COLLECTION OF RENEWAL FEES.—After the licensing application fee is paid for the first fiscal year of licensure, the yearly renewal fee, as established under subparagraph (C), shall be payable on or before October 1 of each subsequent fiscal year.

''(iii) ONE FEE PER INTERNET PHARMACY.—The licensing application fee and yearly renewal fee shall be paid only once for each Internet pharmacy for a fiscal year in which the fee is payable.

''(C) FEE AMOUNT.—The amount of the licensing application fee and the yearly renewal fee for an Internet pharmacy shall be determined each year by the Secretary based on the anticipated costs to the Secretary of enforcing the requirements of this section in the subsequent fiscal year.

''(D) ANNUAL FEE DETERMINATION.—

''(i) IN GENERAL.—Not later than 60 days before the beginning of each fiscal year beginning after September 30, 2007, the Secretary shall determine the amount of the licensing application fee and the yearly renewal fee for that fiscal year.

''(ii) PUBLICATION OF FEE AMOUNT.—Not later than 60 days before each fiscal year, the Secretary shall publish the amount of the licensing application fee and the yearly renewal fee under this section for that fiscal year and provide for a period of 30 days for the public to provide written comments on the fees.

''(E) USE OF FEES.—The fees collected under this section shall be used, without further appropriation, to carry out this section.

''(F) FAILURE TO PAY FEE.—

''(i) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

''(ii) FAILURE TO PAY.—If an Internet pharmacy subject to a fee under this section fails to pay the fee by the date specified under clause (i), the Secretary shall not permit the Internet pharmacy to engage in the dispensing of drugs as described under this section until all such fees owed by the Internet pharmacy are paid.

''(G) REPORTS.—Beginning with fiscal year 2008, not later than 60 days after the end of each fiscal year during which licensing application fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

''(i) implementation of the licensing fee authority during the fiscal year; and

''(ii) the use by the Secretary of the licensing fees collected during the fiscal year for which the report is made.

''(6) SUSPENSION.—

''(A) IN GENERAL.—If the Secretary determines that an Internet pharmacy is engaged in a pattern of violations of any of the requirements of this Act, the Secretary may immediately order the suspension of the license of the Internet pharmacy.

''(B) APPEAL OF SUSPENSION ORDER.—An Internet pharmacy subject to a suspension order under subparagraph (A) may appeal the suspension order to the Secretary. Not later than 30 days after an appeal is filed, the Secretary, after providing opportunity for an informal hearing, shall affirm or terminate the order.

''(C) FAILURE TO ACT.—If, during the 30-day period specified in subparagraph (B), the Secretary fails to provide an opportunity for a hearing or to affirm or terminate the order, the order shall be deemed to be terminated.

''(D) NO JUDICIAL REVIEW.—An order under this paragraph shall not be subject to judicial review.

''(7) TERMINATION OF LICENSE.—The Secretary may terminate a license issued under this subsection, after notice to the Internet pharmacy and an opportunity for a hearing, and if the Secretary determines that the Internet pharmacy—

''(A) has demonstrated a pattern of noncompliance with this section;

''(B) has made an untrue statement of material fact in its licensing application; or

''(C) is in violation of any applicable Federal or State law relating to the dispensing of a prescription drug.

''(8) RENEWAL EVALUATION.—

''(A) IN GENERAL.—Before renewing a license of an Internet pharmacy under this subsection, the Secretary shall conduct an evaluation to determine whether the Internet pharmacy is in compliance with this section.

''(B) EVALUATION OF INTERNET PHARMACIES.—At the discretion of the Secretary and as applicable, an evaluation under subparagraph (A) may include testing of the Internet pharmacy website or other systems through which the Internet pharmacy communicates with consumers, and a physical inspection of the records and premises of the pharmacy.

''(9) CONTRACT FOR OPERATION OF PROGRAM.—

''(A) IN GENERAL.—The Secretary may award a contract under this subsection for the operation of the licensing program.

''(B) TERM.—The duration of a contract under subparagraph (A) shall not exceed 5 years and may be renewable.

''(C) PERFORMANCE REVIEW.—The Secretary shall annually review performance under a contract under subparagraph (A).

''(d) PROVIDERS OF INTERACTIVE COMPUTER SERVICES OR ADVERTISING SERVICES.—No provider of interactive computer services (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) or an advertising service provider shall be liable under this section on account of another person's selling or dispensing of a prescription drug, so long as the provider of the interactive computer service or the advertising service provider does not own or exercise corporate control over such person.

''(e) POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL INTERNET PHARMACY REQUESTS.—

''(1) REGULATIONS.—Not later than 180 days after designating a system under subsection (a)(2), the Board shall promulgate regulations that require—

''(A) an operator of a credit card system that is a designated payment system, an operator of an international, national, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service that is a designated payment system, and an operator of any other designated payment system specified by the Board that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers, or money transmitting services where at least 1 party to the transaction or transfer is an individual; and

''(B) in the case of a designated payment system, other than a designated payment system described in subparagraph (A), a person described in subsection (a)(2)(B);

to establish policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a designated payment system or the completion of restricted transactions using a designated payment system.

''(2) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under paragraph (1), the Board shall—

''(A) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to identify and reasonably designed to prevent the introduction of a restricted transaction in a designated payment or the completion of restricted transactions using a designated payment system; and

''(B) to the extent practicable, permit any designated payment system, or person described in subsection (a)(2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

''(3) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

''(A) IN GENERAL.—A designated payment system, or a person described in subsection (a)(2)(B), that is subject to a regulation or an order issued under this subsection, and any participant in such payment system, that—

''(i) prevents or otherwise refuses to honor restricted transactions, in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this section, shall not be liable to any party for such action; and

''(ii) prevents or otherwise refuses to honor a nonrestricted transaction in an effort to implement the policies and procedures under this subsection or to otherwise comply with this section, shall not be liable to any party for such action.

''(B) COMPLIANCE WITH THIS SUBSECTION.—A person described in subsection (a)(2)(B) meets the requirements of this subsection, if any, if the person relies on and complies with the policies and procedures of a designated payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the designated payment system comply with the requirements of the regulations under paragraph (1)(B).

''(4) ENFORCEMENT.—

''(A) IN GENERAL.—This subsection shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (21 U.S.C. 6805(a)).

''(B) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in subsection (a)(2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

''(i) The extent to which the payment system or person knowingly permits restricted transactions.

''(ii) The history of the payment system or person in connection with permitting restricted transactions.

''(iii) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

''(iv) The feasibility that any specific remedy prescribed can be implemented by the payment system or person without substantial deviation from normal business practice.

''(v) The costs and burdens the specific remedy will have on the payment system or person.

''(f) REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.—The Secretary shall, pursuant to the submission of an application meeting criteria prescribed by the Secretary, make an award of a grant or contract to an entity with experience in developing and maintaining systems for the purpose of—

''(1) identifying Internet pharmacy websites that are not licensed or that appear to be operating in violation of Federal or State laws concerning the dispensing of drugs;

''(2) reporting such Internet pharmacy websites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

''(3) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in paragraph (1).

''(g) TRANSACTIONS PERMITTED.—A designated payment system or person subject to a regulation or an order issued under subsection (e) may engage in transactions with licensed and unlicensed Internet pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with subsection (e). A person subject to a regulation or an order issued under subsection (e) and the agents and employees of that person shall not be found to be in violation of, or liable under, any Federal, State, or other law for engaging in any such transaction.

''(h) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a designated payment system or person subject to a regulation or an order issued under subsection (e) under the laws of any State with respect to any payment transaction by an individual because the payment transaction involves a payment to an Internet pharmacy.

''(i) TIMING OF REQUIREMENTS.—A designated payment system or a person subject to a regulation under subsection (e) shall adopt policies and procedures reasonably designed to comply with any regulations required under subsection (e) not later than 180 days after the date on which such final regulations are issued.''.

(b) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(hh)(1) The sale, under section 511, of a drug that is not a prescription drug, the sale of such a prescription drug without a valid prescription from a treating provider, or the ownership or operation of an Internet pharmacy, in violation of section 511.

''(2) The representation by advertisement, sales presentation, direct communication (including telephone, facsimile, or electronic mail), or otherwise by an Internet pharmacy, that a prescription drug may be obtained from the Internet pharmacy without a prescription, in violation of section 511.

''(3) The advertisement related to a prescription drug through any media including sales presentation, direct communication (including telephone, facsimile, or electronic mail), by an unlicensed Internet pharmacy.

''(4) The provision of an untrue statement of material fact in the licensing application of an Internet pharmacy.

''(5) For purposes of this subsection, any term used in this subsection that is also used in section 511 shall have the meaning given that term in section 511.''.

(c) LINKS TO UNLICENSED INTERNET PHARMACIES.—Section 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 332) is amended by adding at the end the following:

''(c)(1) In the case of a violation of section 511 relating to an unlicensed Internet pharmacy (as defined in such section 511), the district courts of the United States and the United States courts of the territories shall have jurisdiction to order a provider of an interactive computer service to remove, or disable access to, links to a website violating that section that resides on a computer server that the provider controls or operates.

''(2) Relief under paragraph (1)—

''(A) shall be available only after provision to the provider of notice and an opportunity to appear;

''(B) shall not impose any obligation on the provider to monitor its service or to affirmatively seek facts indicating activity violating section 511;

''(C) shall specify the provider to which the relief applies; and

''(D) shall specifically identify the location of the website to be removed or to which access is to be disabled.''.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The requirement of licensure under section 511 of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall take effect on the date determined by the Secretary of Health and Human Services but in no event later than 90 days after the effective date of the interim final regulations under paragraph (1).

(e) PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

''(g) Notwithstanding subsection (a), any person who knowingly violates paragraph (1), (2), (3), or (4) of section 301(hh) shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

SA 1018. Mr. DEMINT (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. MARTINEZ, Mr. VITTER, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

In section 214(b)(3)(B) of the bill, insert '', except with respect to the drug Mifeprex (mifepristone), such assessment shall be submitted 6 months after the applicant is so notified'' before the period at the end.

SA 1019. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ORPHAN DISEASE TREATMENT IN CHILDREN.

(a) FINDING.—The Senate finds that parents of children suffering from rare genetic diseases known as orphan diseases face multiple obstacles in obtaining safe and effective treatment for their children due mainly to the fact that many Food and Drug Administration-approved drugs used in the treatment of orphan diseases in children may not be approved for pediatric indications.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Food and Drug Administration should enter into a contract with the Institute of Medicine for the conduct of a study concerning measures that may be taken to improve the likelihood that Food and Drug Administration-approved drugs that are safe and effective in treating children with orphan diseases are made available and affordable for pediatric indications.

SA 1020. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act

to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike clause (i) of section 402(j)(3)(A) of the Public Health Service Act, as added by this bill, and insert the following:

''(i) IN GENERAL.—

''(I) REQUIREMENT.—Not later than 90 days after the date of enactment of the Food and Drug Administration Revitalization Act, for all clinical trials (except as provided in subclause (II)), whether federally or privately funded, conducted to test the safety or efficacy (including comparative efficacy), of any drug or device (including those drugs or devices approved or cleared by the Secretary), the Secretary shall ensure that the registry data bank includes links to results information for such clinical trial—

''(aa) not earlier than 30 days after the date of the approval of the drug involved or clearance or approval of the device involved; or

''(bb) not later than 30 days after such information becomes publicly available, as applicable.

''(II) EXCEPTION.—The requirement of subclause (I) shall not apply to phase I clinical investigations conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device.

''(III) VOLUNTARY SUBMISSION.—A responsible party for a clinical trial that is not an applicable drug clinical trial or an applicable device clinical trial may submit to the Secretary results information for a clinical trial described in subclause (II).

''(IV) EXPANDED REGISTRY DATA BANK.—Notwithstanding any other provision of law, the clinical trials described in subclause (I) shall be clinical trials of which the results information with respect to such trials is appropriate for adding to the expanded registry data bank, as described in subparagraph (C).

At the end section 402(j)(4) of the Public Health Service Act, as added by this bill, insert the following:

''(F) TRIALS CONDUCTED OUTSIDE OF THE UNITED STATES.—

''(i) IN GENERAL.—With respect to clinical trials described in clause (ii), the responsible party shall submit to the Secretary the information required under this subsection. The Secretary shall ensure that such information and the results of such clinical trials are made available to the public in a timely manner and as soon as practicable after receiving such information. Failure to comply with this paragraph shall be deemed to be a failure to submit information as required under this subsection, and the appropriate remedies and sanctions under this section shall apply.

''(ii) CLINICAL TRIAL DESCRIBED.—A clinical trial is described in this clause if—

''(I) such trial is conducted outside of the United States; and

''(II) the data from such trial is—

''(aa) submitted to the Secretary as part of an application, including a supplemental application, for a drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or for the biological product under section 351 of this Act; or

''(bb) used in advertising or labeling to make a claim about the drug or device involved.

''(iii) EXPANDED REGISTRY DATA BANK.—Notwithstanding any other provision of law, the clinical trials described in clause (ii) shall be clinical trials of which the results information with respect to such trials is appropriate for adding to the expanded registry data bank, as described in paragraph (3)(C).

SA 1021. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ___. NO SUNSET FOR SECTION 505B.

Notwithstanding any provision of this Act, an amendment made by this Act, or any other provision of law, section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) and the authority provided for under such section shall not sunset but shall remain in effect.

SA 1022. Mr. DURBIN (for himself, Mr. ENZI, Mr. KENNEDY, Mr. ALLARD, Mr. KOHL, Ms. CANTWELL, Mr. SCHUMER, Mr. BIDEN, Mr. NELSON of Florida, and Mr. CASEY) proposed an amendment to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE ____—FOOD SAFETY

SEC. __01. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) the safety and integrity of the United States food supply is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) illnesses and deaths of individuals and companion animals caused by contaminated food—

(A) have contributed to a loss of public confidence in food safety; and

(B) have caused significant economic losses to manufacturers and producers not responsible for contaminated food items;

(3) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination; and

(B) an increasing volume of imported food from a wide variety of countries; and

(C) a shortage of adequate resources for monitoring and inspection;

(4) the United States is increasing the amount of food that it imports such that —

(A) from 2003 to the present, the value of food imports has increased from $45,600,000,000 to $64,000,000,000; and

(B) imported food accounts for 13 percent of the average Americans diet including 31 percent of fruits, juices, and nuts, 9.5 percent of red meat and 78.6 percent of fish and shellfish; and

(5) the number of full time equivalent Food and Drug Administration employees conducting inspections has decreased from 2003 to 2007.

SEC. __02. ENSURING THE SAFETY OF PET FOOD.

(a) PROCESSING AND INGREDIENT STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the ''Secretary''), in consultation with the Association of American Feed Control Officials, and other relevant stakeholder groups, including veterinary medical associations, animal health organizations, and pet food manufacturers, shall by regulation establish—

(1) processing and ingredient standards with respect to pet food, animal waste, and ingredient definitions; and

(2) updated standards for the labeling of pet food that includes nutritional information and ingredient information.

(b) EARLY WARNING SURVEILLANCE SYSTEMS AND NOTIFICATION DURING PET FOOD RECALLS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall by regulation establish an early warning and surveillance system to identify adulteration of the pet food supply and outbreaks of illness associated with pet food. In establishing such system, the Secretary shall—

(1) use surveillance and monitoring mechanisms similar to, or in coordination with, those mechanisms used by the Centers for Disease Control and Prevention to monitor human health, such as the Foodborne Diseases Active Surveillance Network (FoodNet) and PulseNet;

(2) consult with relevant professional associations and private sector veterinary hospitals; and

(3) work with the Health Alert Network and other notification networks to inform veterinarians and relevant stakeholders during any recall of pet food.

SEC. __03. ENSURING EFFICIENT AND EFFECTIVE COMMUNICATIONS DURING A RECALL.

The Secretary shall, during an ongoing recall of human or pet food—

(1) work with companies, relevant professional associations, and other organizations to collect and aggregate information pertaining to the recall;

(2) use existing networks of communication including electronic forms of information dissemination to enhance the quality and speed of communication with the public; and

(3) post information regarding recalled products on the Internet website of the Food and Drug Administration in a consolidated, searchable form that is easily accessed and understood by the public.

SEC. __04. STATE AND FEDERAL COOPERATION.

(a) IN GENERAL.—The Secretary shall work with the States in undertaking activities and programs that assist in improving the safety of fresh and processed produced so that State food safety programs involving the safety of fresh and processed produce and activities conducted by the Secretaries function in a coordinated and cost-effective manner. With the assistance provided under subsection (b), the Secretary shall encourage States to—

(1) establish, continue, or strengthen State food safety programs, especially with respect to the regulation of retail commercial food establishments; and

(2) establish procedures and requirements for ensuring that processed produce under the jurisdiction of the State food safety programs is not unsafe for human consumption.

(b) ASSISTANCE.—The Secretary may provide to a State, for planning, developing, and implementing such a food safety program—

(1) advisory assistance;

(2) technical assistance, training, and laboratory assistance (including necessary materials and equipment); and

(3) financial and other assistance.

(c) SERVICE AGREEMENTS.—The Secretary may, under an agreement entered into with a Federal, State, or local agency, use, on a reimbursable basis or otherwise, the personnel, services, and facilities of the agency to carry out the responsibilities of the agency under this section. An agreement entered into with a State agency under this subsection may provide for training of State employees.

SEC. __05. ADULTERATED FOOD REGISTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1994, Congress passed the Dietary Supplement Health and Education Act (P.L. 103-417) to provide the Food and Drug Administration with the legal framework to ensure that dietary supplements are safe and properly labeled foods.

(2) In 2006, Congress passed the Dietary Supplement and Nonprescription Drug Consumer Protection Act (P.L. 109-462) to establish a mandatory reporting system of serious adverse events for non-prescription drugs and dietary supplements sold and consumed in the United States.

(3) The adverse event reporting system created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act will serve as the early warning system for any potential public health issues associated with the use of these food products.

(4) A reliable mechanism to track patterns of adulteration in food would support efforts by the Food and Drug Administration to effectively target limited inspection resources to protect the public health.

(b) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 417. ADULTERATED FOOD REGISTRY.

''(a) DEFINITIONS.—In this section:

''(1) IMPORTER.—The term 'importer', with respect to an article of food, means the person who submitted the notice with respect to such article of food under section 801(m).

''(2) RESPONSIBLE PARTY.—The term 'responsible party', with respect to an article of food, means any registered food facility under section 415(a), including those responsible for the manufacturing, processing, packaging or holding of such food for consumption in the United States.

''(3) REPORTABLE ADULTERATED FOOD.—The term 'reportable adulterated food' for purposes of this section means a food that is adulterated or—

''(A) presents a situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death as defined in section 7.3(m)(1) of title, Code of Federal Regulations (or any successor regulations); or

''(B) meets the threshold established in section 304(h).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish within the Food and Drug Administration an Adulterated Food Registry to which instances of reportable adulterated food may be submitted by the Food and Drug Administration after receipt of reports of adulteration, via an electronic portal, from—

''(A) Federal, State, and local public health officials;

''(B) an importer;

''(C) a responsible party; or

''(D) a consumer or other individual.

''(2) REVIEW BY SECRETARY.—The Secretary shall review and determine the validity of the information submitted under paragraph (1) for the purposes of identifying adulterated food, submitting entries to the Adulterated Food Registry, acting under subsection (c), and exercising other existing food safety authorities under the Act to protect the public health.

''(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall issue an alert with respect to an adulterated food if the Adulterated Food Registry shows that the food—

''(A) has been associated with repeated and separate outbreaks of illness or has been repeatedly determined to be adulterated; or

''(B) is a reportable adulterated food.

''(2) SCOPE OF ALERT.—An alert under paragraph (1) may apply to a particular food or to food from a particular producer, manufacturer, shipper, growing area, or country, to the extent that elements in subparagraph (A) or (B) of paragraph (1) are associated with the particular food, producer, manufacturer, shipper, growing area, or country.

''(d) SUBMISSION BY A CONSUMER OR OTHER INDIVIDUAL.—A consumer or other individual may submit a report to the Food and Drug Administration using the electronic portal data elements described in subsection (e). Such reports shall be evaluated by the Secretary as specified in subsection (b)(2).

''(e) NOTIFICATION AND REPORTING OF ADULTERATION.—

''(1) DETERMINATION BY RESPONSIBLE PARTY OR IMPORTER.—If a responsible party or importer determines that an article of food it produced, processed, manufactured, distributed, or otherwise handled is a reportable adulterated food, the responsible party shall provide the notifications described under paragraph (2).

''(2) NOTIFICATION OF ADULTERATION.—

''(A) IN GENERAL.—Not later than 5 days after a responsible party or importer receives a notification, the responsible party or importer, as applicable, shall review whether the food referenced in the report described in paragraph (1) is a reportable adulterated food.

''(B) NOTIFICATION.—If a determination is made by such responsible party or importer that the food is a reportable adulterated food, such responsible party or importer shall, no later than 5 days after such determination is made, notify other responsible parties directly linked in the supply chain to which and from which the article of reportable adulterated food was transferred.

''(3) SUBMISSION OF REPORTS TO THE FOOD AND DRUG ADMINISTRATION BY A RESPONSIBLE PARTY OR IMPORTER.—The responsible party or importer, as applicable, shall submit a report to the Food and Drug Administration through the electronic portal using the data elements described in subsection (f) not later than 2 days after a responsible party or importer—

''(A) makes a notification under paragraph (2)(B); or

''(B) determines that an article of food it produced, processed, manufactured, distributed, imported, or otherwise handled is a reportable adulterated food, except that if such adulteration was initiated with such responsible party or importer, was detected prior to any transfer of such article of food, and was destroyed, no report is necessary.

''(f) DATA ELEMENTS IN THE REGISTRY.—A report submitted to the Food and Drug Administration electronic portal under subsection (e) shall include the following data elements:

''(1) Contact information for the individual or entity submitting the report.

''(2) The date on which an article of food was determined to be adulterated or suspected of being adulterated.

''(3) A description of the article of food including the quantity or amount.

''(4) The extent and nature of the adulteration.

''(5) The disposition of the article.

''(6) Product information typically found on packaging including product codes, use by dates, and names of manufactures or distributors.

''(7) Information about the place of purchase or process by which the consumer or other individual acquired the article of adulterated food.

''(8) In the case of a responsible party or an importer, the elements required for the registration of food facilities under section 415(a).

''(9) The contact information for parties directly linked in the supply chain and notified under subsection (e)(2).

''(10) In the case of an importer, the elements required for the prior notice of imported food shipments under section 801(m).

''(g) MAINTENANCE AND INSPECTION OF RECORDS.—The responsible person or importer shall maintain records related to each report received, notification made, and report submitted to the Food and Drug Administration under this section and permit inspection of such records as provided for in section 414. Such records shall also be made available during an inspection under section 704.

''(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Adulterated Food Registry.

''(i) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (e), the Secretary suspects such food may have been deliberately adulterated, the Secretary shall immediately notify the Secretary of Homeland Security. The Secretary shall make the data in the Adulterated Imported Food Registry available to the Secretary of Homeland Security.''.

(c) DEFINITION.—Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)) is amended by striking ''section 201(g)'' and inserting ''sections 201(g) and 417''.

(d) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by this Act, is further amended by adding at the end the following:

''(kk) The failure to provide a report as required under section 417(e)(3).

''(ll) The falsification a report as required under section 417(e)(3).''.

(e) SUSPECTED FOOD ADULTERATION REGULATIONS.—The Secretary shall, within 180 days of enactment of this Act, promulgate regulations that establish standards and thresholds by which importers and responsible parties shall be required and consumers may be able to, under section 417 of the Federal Food, Drug, and Cosmetic Act (as added by this section)—

(1) report instances of suspected reportable adulteration of food to the Food and Drug Administration for possible inclusion in the Adulterated Food Registry after evaluation of such report; and

(2) notify, in keeping with subsection (e)(2) of such section 417, other responsible parties directly linked in the supply chain, including establishments as defined in section 415(b) of such Act.

(f) EFFECTIVE DATE.—The requirements of section 417(e) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall become effective 180 days after the date of enactment of this Act.

SEC. __06. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) it is vital for Congress to provide the Food and Drug Administration with additional resources, authorities, and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional inspectors are required to improve the Food and Drug Administration's ability to safeguard the food supply of the United States;

(3) because of the increasing volume of international trade in food products the Secretary of Health and Human Services should make it a priority to enter into agreements with the trading partners of the United States with respect to food safety; and

(4) the Senate should work to develop a comprehensive response to the issue of food safety.

SEC. __07. ANNUAL REPORT TO CONGRESS.

The Secretary shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report that includes, with respect to the preceding 1-year period—

(1) the number and amount of food products regulated by the Food and Drug Administration imported into the United States, aggregated by country and type of food;

(2) a listing of the number of Food and Drug Administration inspectors of imported food products referenced in paragraph (1) and the number of Food and Drug Administration inspections performed on such products; and

(3) aggregated data on the findings of such inspections, including data related to violations of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), and enforcement actions used to follow-up on such findings and violations.

SEC. __08. RULE OF CONSTRUCTION.

Nothing in this title (or an amendment made by this title) shall be construed to affect—

(1) the regulation of dietary supplements under the Dietary Supplement Health and Education Act; or

(2) the adverse event reporting system for dietary supplements created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act.

SEC. __09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title (and the amendments made by this title) such sums as may be necessary.

SA 1023. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON FOOD INSPECTION AND SAFETY USER FEES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine the feasibility of instituting a user fee program for food inspections and food safety that incorporates lessons learned from the user fee program for prescription drugs under chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) and that is designed to increase the resources and capabilities of the Food and Drug Administration to safeguard the food supply of the United States.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that—

(1) describes the findings of the study conducted under subsection (a); and

(2) includes—

(A) any recommendations for legislation related to such findings; and

(B) provides details, with respect to such recommended legislation, regarding—

(i) the expected revenues for the Food and Drug Administration;

(ii) the expected costs to the private sector, categorized by industry; and

(iii) any other relevant information.

SA 1024. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF REORGANIZATION PLAN PENDING REVIEW.

(a) IN GENERAL.—The Commissioner of Food and Drugs may not implement a reorganization plan that reduces or consolidates the number of laboratory facilities currently in operation within the Office of Regulatory Affairs of the Food and Drug Administration pending a comprehensive review of the reorganization plan by the Comptroller General of the United States to determine—

(1) the impact of the reorganization on the mission of the Food and Drug Administration to ensure that foods, cosmetics, and medical products are safe, effective, and properly promoted and labeled;

(2) the projected cost savings; and

(3) the projected operational efficiencies.

(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall issue a report on the impact of the reorganization plan described in subsection (a).

SA 1025. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. ENZI, Mr. HATCH, and Mr. KENNEDY) proposed an amendment to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ___. SENSE OF THE SENATE WITH RESPECT TO FOLLOW-ON BIOLOGICS.

(a) FINDINGS.—The Senate finds the following:

(1) The Food and Drug Administration has stated that it requires legislative authority to review follow-on biologics.

(2) Business, consumer, and government purchasers require competition and choice to ensure more affordable prescription drug options.

(3) Well-constructed policies that balance the needs of innovation and affordability have broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) legislation should be enacted to—

(A) provide the Food and Drug Administration with the authority and flexibility to approve biopharmaceuticals subject to an abbreviated approval pathway;

(B) ensure that patient safety remains paramount in the system;

(C) establish a regulatory pathway that is efficient, effective, and scientifically-grounded and that also includes measures to ensure timely resolution of patent disputes; and

(D) provide appropriate incentives to facilitate the research and development of innovative biopharmaceuticals.

SA 1026. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLICATION OF ANNUAL REPORTS.

(a) IN GENERAL.—The Commissioner on Food and Drugs shall annually submit to Congress and publish on the Internet website of the Food and Drug Administration, a report concerning the results of the Administration's pesticide residue monitoring program, that includes—

(1) information and analysis similar to that contained in the report entitled ''Food and Drug Administration Pesticide Program Residue Monitoring 2003'' as released in June of 2005;

(2) based on an analysis of previous samples, an identification of products or countries (for imports) that require special attention and additional study (including details on the plans for such additional studies), including in the initial report (and subsequent reports as determined necessary) the results and analysis of the Ginseng Dietary Supplements Special Survey as described on page 13 of the report entitled ''Food and Drug Administration Pesticide Program Residue Monitoring 2003'';

(3) information on the relative number of interstate and imported shipments of each tested commodity that were sampled, including recommendations on whether sampling is statistically significant, provides confidence intervals or other related statistical information, and whether the number of samples should be increased and the details of any plans to provide for such increase; and

(4) a description of whether certain commodities are being improperly imported as another commodity, including a description of additional steps that are being planned to prevent such smuggling.

(b) INITIAL REPORTS.—Annual reports under subsection (a) for fiscal years 2004 through 2006 may be combined into a single report, by not later than June 1, 2008, for purposes of publication under subsection (a). Thereafter such reports shall be completed by June 1 of each year for the data collected for the year that was 2-years prior to the year in which the report is published.

(c) MEMORANDUM OF UNDERSTANDING.—The Commissioner of Food and Drugs, the Administrator of the Food Safety and Inspection Service, and the head of the Agricultural Marketing Service shall enter into a memorandum of understanding to permit inclusion of data in the reports under subsection (a) relating to testing carried out by the Food Safety and Inspection Service and the Agricultural Marketing Service on meat, poultry, eggs, and certain raw agricultural products, respectively.

SA 1027. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—FOOD SAFETY

SEC. ___. FOOD SAFETY FOR HUMANS AND PETS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 417. NOTIFICATION AND RECALL.

''(a) NOTICE TO SECRETARY OF VIOLATION.—

''(1) IN GENERAL.—A person that has reason to believe that any food introduced into or in interstate commerce, or held for sale (whether or not the first sale) after shipment in interstate commerce, may be in violation of this Act shall immediately notify the Secretary of the identity and location of the food.

''(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation.

''(b) RECALL AND CONSUMER NOTIFICATION; VOLUNTARY ACTIONS.—If the Secretary determines that food is in violation of this Act when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Secretary, the Secretary shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to—

''(1) cease distribution of the food;

''(2) notify all persons—

''(A) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

''(B) to which the food has been distributed, transported, or sold, to immediately cease distribution of the food;

''(3) recall the food;

''(4) in conjunction with the Secretary, provide notice of the finding of the Secretary—

''(A) to consumers to whom the food was, or may have been, distributed; and

''(B) to State and local public health officials; or

''(5) take any combination of the measures described in this paragraph, as determined by the Secretary to be appropriate in the circumstances.

''(c) CIVIL AND CRIMINAL PENALTIES.—

''(1) CIVIL SANCTIONS.—

''(A) CIVIL PENALTY.—Any person that commits an act that violates the notification and recall standards under subsection (b) (including a regulation promulgated or order issued under this Act) may be assessed a civil penalty by the Secretary of not more than $10,000 for each such act.

''(B) SEPARATE OFFENSE.—Each act described in subparagraph (A) and each day during which that act continues shall be considered a separate offense.

''(2) OTHER REQUIREMENTS.—

''(A) WRITTEN ORDER.—The civil penalty described in paragraph (1) shall be assessed by the Secretary by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (B) considered by the Secretary.

''(B) AMOUNT OF PENALTY.—Subject to paragraph (1)(A), the amount of the civil penalty shall be determined by the Secretary, after considering—

''(i) the gravity of the violation;

''(ii) the degree of culpability of the person;

''(iii) the size and type of the business of the person; and

''(iv) any history of prior offenses by the person under this Act.

''(C) REVIEW OF ORDER.—The order may be reviewed only in accordance with subsection (d).

''(3) EXCEPTION.—No person shall be subject to the penalties of this subsection—

''(A) for having received, proffered, or delivered in interstate commerce any food, if the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Secretary)—

''(i) the name, address and contact information of the person from whom that person purchased or received the food;

''(ii) copies of all documents relating to the person from whom that person purchased or received the food; and

''(iii) copies of all documents pertaining to the delivery of the food to that person; or

''(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—An order assessing a civil penalty under subsection (c) shall be a final order unless the person—

''(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and

''(B) simultaneously serves a copy of the petition by certified mail to the Secretary.

''(2) FILING OF RECORD.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Secretary shall file in the court a certified copy of the administrative record upon which the order was issued.

''(3) STANDARD OF REVIEW.—The findings of the Secretary relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

''(e) COLLECTION ACTIONS FOR FAILURE TO PAY.—

''(1) IN GENERAL.—If any person fails to pay a civil penalty assessed under subsection (c) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (d) has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

''(2) LIMITATION ON REVIEW.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Secretary assessing the civil penalty shall not be subject to judicial review.

''(f) PENALTIES PAID INTO ACCOUNT.—The Secretary—

''(1) shall deposit penalties collected under this section in an account in the Treasury; and

''(2) may use the funds in the account, without further appropriation or fiscal year limitation—

''(A) to carry out enforcement activities under food safety law; or

''(B) to provide assistance to States to inspect retail commercial food establishments, such as an establishment that holds, stores, or transports food or food ingredients, or other food or firms under the jurisdiction of State food safety programs.

''(g) DISCRETION OF THE SECRETARY TO PROSECUTE.—Nothing in this section or section 418 requires the Secretary to report for prosecution, or for the commencement of an action, the violation of this Act in a case in which the Secretary finds that the public interest will be adequately served by the assessment of a civil penalty under this section.

''(h) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.

''SEC. 418. MANDATORY RECALL ACTION.

''(a) MANDATORY ACTIONS.—If a person referred to in section 417(b) refuses to or does not adequately carry out the actions described in that section within the time period and in the manner prescribed by the Secretary, the Secretary shall—

''(1) have authority to control and possess the food, including ordering the shipment of the food from a food establishment, such as an establishment that holds, stores, or transports food or food ingredients, to the Secretary—

''(A) at the expense of such food establishment; or

''(B) in an emergency (as determined by the Secretary), at the expense of the Secretary; and

''(2) by order, require, as the Secretary determines to be necessary, the person to immediately—

''(A) cease distribution of the food; and

''(B) notify all persons—

''(i) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

''(ii) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.

''(b) NOTIFICATION TO CONSUMERS BY SECRETARY.—The Secretary shall, as the Secretary determines to be necessary, provide notice of the finding of the Secretary under paragraph (1)—

''(1) to consumers to whom the food was, or may have been, distributed; and

''(2) to State and local public health officials.

''(c) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under section 417(b)(2) or subsection (a)(2)(B) of this section shall immediately cease distribution of the food.

''(d) AVAILABILITY OF RECORDS TO SECRETARY.—Each person referred to in section 417 that processed, distributed, or otherwise handled food shall make available to the Secretary information necessary to carry out this subsection, as determined by the Secretary, regarding—

''(1) persons that processed, distributed, or otherwise handled the food; and

''(2) persons to which the food has been transported, sold, distributed, or otherwise handled.

''(e) INFORMAL HEARINGS ON ORDERS.—

''(1) IN GENERAL.—The Secretary shall provide any person subject to an order under subsection (a) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.

''(2) SCOPE OF THE HEARING.—In a hearing under paragraph (1), the Secretary shall consider the actions required by the order and any reasons why the food that is the subject of the order should not be recalled.

''(f) POST-HEARING RECALL ORDERS.—

''(1) AMENDMENT OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that there is a reasonable probability that the food that is the subject of an order under subsection (a), if consumed, would present a threat to the public health, the Secretary, as the Secretary determines to be necessary, may—

''(A) amend the order to require recall of the food or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.

''(2) VACATION OF ORDERS.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that adequate grounds do not exist to continue the actions required by the order, the Secretary shall vacate the order.

''(g) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.''.

SA 1028. Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. LEAHY, Mr.

KOHL, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC.____. PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is further amended by adding at the end the following:

''(s) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

''(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

''(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

''(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).''.

SA 1029. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 138 strike line 5 and all that follows through line 10 on page 142 and insert the following:

''(x) specify a process for annual Board review of the operations of the Foundation;

''(xi) establish specific duties of the Executive Director; and

''(xii) establish specific policies to safeguard the Federal Government's patent rights in inventions made with Federal assistance through the Foundation;

''(B) prioritize and provide overall direction to the activities of the Foundation;

''(C) evaluate the performance of the Executive Director; and

''(D) carry out any other necessary activities regarding the functioning of the Foundation.

''(3) TERMS AND VACANCIES.—

''(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

''(B) VACANCY.—Any vacancy in the membership of the Board—

''(i) shall not affect the power of the remaining members to execute the duties of the Board; and

''(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

''(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

''(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

''(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

''(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

''(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, shall be subject to the provisions of such section, and shall be considered a nonprofit organization for purpose of section 201(i) of title 35, United States Code.

''(g) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

''(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

''(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

''(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

''(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

''(3) prescribe the manner in which—

''(A) real or personal property of the Foundation is acquired, held, and transferred;

''(B) general operations of the Foundation are to be conducted; and

''(C) the privileges granted to the Board by law are exercised and enjoyed;

''(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

''(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

''(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

''(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation, except that Federal rights in patented inventions made with Federal assistance shall be preserved;

''(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

''(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees, except that Federal rights in patented inventions made with Federal assistance shall be preserved;

SA 1030. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 18 and 19, insert the following:

''(C) ADDITIONAL CERTIFICATION.—At the time of the submission of an application under section 505 of the Federal Food, Drug, and Cosmetic Act, section 515 of such Act, section 520(m) of such Act or section 351 of the Public Health Service Act, or submission of a report under section 510(k) of such Act, such application or submission shall be accompanied by a certification that all applicable requirements of sections 201 through 212 of title 35, United States Code, and any other provision of Federal law relating to Federal rights in patented inventions made with Federal Government assistance, have been met, including, where applicable, the requirement under section 201(f) of such title that the benefits of such inventions be made available to the public on reasonable terms, including price.''.

SA 1031. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, line 16, insert before the period the following: '', and that any patent filed or that will be filed contains a statement specifying that the invention was made with Federal Government support and that the Federal Government has certain rights in it, if such a statement is otherwise required by law''.

SA 1032. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 156, between lines 2 and 3, insert the following:

''(VII) The rights of the Federal Government in the drug or device that is the subject of the clinical trial.''.

SA 1033. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, between lines 11 and 12, insert the following:

''(n) PROTECTING FEDERAL RIGHTS IN PATENTED INVENTIONS DEVELOPED WITH FEDERAL GOVERNMENT ASSISTANCE.—Any invention developed by the Foundation or with the funds of the Foundation shall be considered a subject invention for purposes of section 201(e) of title 35, United States Code.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, May 2, 2007, at 4 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to hear the views of the five most recent U.S. Nobel Laureates on the state of the country's scientific enterprise and the importance of scientific investment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, May 2, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider the nomination of Stephen J. Isakowitz to be the Chief Financial Officer of the Department of Energy, and the draft of an original bill, which is drawn from the text of the following bills:

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.

S. 962—A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 987—A bill to enhance the energy security of the United States by promoting biofuels, and for other purposes.

S. 1115—A bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 2, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The Medicare Prescription Drug Benefit: Monitoring Early Experiences.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on ''Interrupting Terrorist Travel: Strengthening the Security of International Travel Documents'' for Wednesday, May 2, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Panel I: Andrew Simkin, Director of Fraud Prevention Programs, Bureau of Consular Affairs, Department of State, Washington, DC; Patrick Donovan, Assistant Director for Domestic Operations and Acting Director of Diplomatic Security for Counter Measures, Diplomatic Security, Department of State, Washington, DC; Michael P. Everitt, Unit Chief, Forensic Documents Laboratory, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC; Paul Morris, Executive Director. Admissibility Requirements and Migration Control Office of Field Operations, U.S. Customs and Border Protection Washington, DC.

Panel II: The Honorable Ronald K. Noble, Secretary General of Interpol, Lyon, France; Clark Kent Ervin, Director of Homeland Security, Aspen Institute, Former Inspector General of Department of Homeland Defense and Author of ''Open Target: Where America is Vulnerable to Attack,'' Washington, DC; Brian Zimmer, Senior Associate, Kelly, Anderson & Associates Inc., Former Senior Investigator, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled ''SBA Reauthorization: Small Business Loan Programs,'' on Wednesday, May 2, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BROWN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, May 2, 2007 from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing concerning Nursing Home Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Wednesday, May 2, 2007, at 2:30 p.m., to receive testimony on Department of Energy Atomic Energy Defense programs in review of the defense authorization request for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Leigh Ann Ross, a fellow in the office of Senator THAD COCHRAN, be granted the privilege of the floor for the duration of Senate debate on the 2007 FDA reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Thomas Kraus, an intern on my staff, be granted floor privileges for the remainder of the debate on the Food and Drug Administration Revitalization Act of 2007.

The ACTING PRESIDENT pro tempore. Without objecting it is so ordered.

COMMENDATION OF PUBLIC SERVANTS

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Homeland Security/Governmental Affairs Committee be discharged from further consideration of S. Res. 150, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 150) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 7 through 13, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 150

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(12) improve and secure our transportation systems;

(13) keep the Nation's economy stable; and

(14) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 7 through 13, 2007, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 23rd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

ORDERS FOR THURSDAY, MAY 3, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, May 3; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have 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. 1082 and there be an hour of debate prior to a vote on the motion to invoke cloture on the Dorgan amendment No. 990, with the time equally divided and controlled between Senator DORGAN and the Republican leader or his designee; that upon the use or yielding back of the time, the Senate proceed to vote on that motion to invoke cloture; and that Members have until 10 a.m. to file any second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MENENDEZ. Madam President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, May 3, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO FORT MASSAC ON IT'S 250TH ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the 250th anniversary of one of the most important historic sites in Southern Illinois.

It was in 1757, during the French and Indian War, that French pioneers exploring the lower Ohio and Mississippi River valleys built Fort l' Ascension on a strategic bluff over the Ohio, near the present-day community of Metropolis, Illinois. Two years later, the site was renamed Fort Massiac. After the Revolutionary War, President George Washington ordered the site rebuilt, and in 1794 the fort was reconstructed as Fort Massac. The fort is the namesake for Massac County and for Fort Massac State Park, which has served generations of Illinoisans with the opportunity to see history with their own eyes; to gain a greater understanding of how our region and our nation were built; and to see the difficulties that our pioneers encountered as they settled the area we now call home. This gift is due in large part to the hard work of Friends of the Fort, and the staff of Fort Massac State Park who have preserved this treasure for us. In 1908, Fort Massac became Illinois' first state park.

Each October, Fort Massac is the site of the Fort Massac Encampment, a re-creation of life in Southern Illinois during the late 1700s which draws nearly 80,000 visitors. Several weekends during the year are dedicated to living history, giving visitors the unique opportunity to see life as it was two hundred years ago.

I want to thank Sue Barfield, President of Friends of the Fort, and Terry Johnson, site superintendent of Fort Massac State Park, as well as all the local residents and historians who have put so much dedication into preserving Fort Massac for future generations to enjoy.

RECOGNIZING SARAH HARRIS, MICHIGAN'S 2007 ''POETRY OUT LOUD'' STATE CHAMPION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. ROGERS of Michigan. Madam Speaker, today I rise to pay tribute to Sarah Harris for her victory in the 2007 "Poetry Out Loud" Michigan State Championship.

Besting 8 other contestants from around Michigan to take the State title in March, Ms. Harris earned a trip to the National Finals held this week in Washington, DC. For the competition, each student recited three poems, and four judges graded each recitation based on five categories: Physical Presence and Posture; Voice Projection and Articulation; Appropriateness of Dramatization; Level of Difficulty; Evidence of Understanding; and, Overall Performance. The three poems recited by Ms. Harris were: The Cremation of Sam McGee, by Robert Service; Mrs. Krikorian by Sharon Olds; and, The Weary Blues, by Langston Hughes.

The "Poetry Out Loud" program, sponsored by the National Endowment for the Humanities, builds on the resurgence of poetry as an oral art form. Through this important endeavor, students master public speaking skills, build self-confidence, and learn about their literary heritage. I am proud that the Michigan Humanities Council has been a strong supporter of "Poetry Out Loud," and that Holt High School has been so active in fostering a renewed interest in poetry.

Madam Speaker, I am proud to rise today to celebrate Sarah Harris's extraordinary achievement. Her passion, creativity and dedication indeed serve as an example to us all. I ask my colleagues to join me in recognizing Ms. Harris for her State Championship and to wish her the best of luck in the National Finals.

INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT OF 2007

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2007

Mr. DINGELL. Madam Speaker, I ask that my letter be inserted in the RECORD as part of the consideration of H.R. 518, the International Solid Waste Importation and Management Act of 2007, which passed under suspension of the rules on April 24, 2007. This letter responds to the letter received by the Speaker from Mr. Justin McCarthy, Assistant U.S. Trade Representative for Congressional Affairs, and the Hon. Jeffrey T. Bergner, Assistant Secretary of State for Legislative Affairs, regarding H.R. 518.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE
Washington, DC, April 30, 2007.

Mr. JUSTIN J. MCCARTHY
Assistant U.S. Trade Representative, for Congressional Affairs Office of the U.S. Trade Representative, Washington, DC.

Hon. JEFFREY T. BERGNER
Assistant Secretary of State for Legislative Affairs U.S. Department of State, Washington, DC.

DEAR MR. MCCARTHY AND ASSISTANT SECRETARY BERGNER: I have obtained a copy of your April 23, 2007, letter to Speaker Nancy Pelosi expressing the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. I sponsored this bipartisan bill with the entire Michigan delegation and a number of other Members of the House of Representatives. It was favorably reported by the Subcommittee on Environment and Hazardous Materials and the full Committee on Energy and Commerce in late March and passed the House of Representatives on April 23, 2007, by a voice vote without opposition.

Your letter implies and attempts to raise concerns that H.R. 518 would somehow apply to hazardous waste shipments or in some way would be incompatible with U.S. obligations under the North American Free Trade Agreement and WTO agreements. Neither of these observations is correct.

First, the bill expressly applies only to ''foreign municipal solid waste,'' not hazardous waste (new section 4011) (f)(2)). Further, hazardous waste is explicitly excluded from the term ''municipal solid waste'' (new section 4011 (f)(3)(B)(i)).

With regard to the issue of whether H.R. 518 is compatible with our international trade obligations, the bill explicitly preserves prior law relating to international trade obligations. New section 4011(a)(3) provides as follows:

''(3) Trade and Treaty Obligations.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

Thus, Canada retains all of its rights under the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO) agreements to challenge a State action alleged to be inconsistent. Domestic waste trade measures that allegedly violate NAFTA might be challenged under the NAFTA general dispute settlement chapter.

Even where a measure is alleged to be inconsistent with NAFTA, the Congressional Research Service has noted that there may be general exceptions incorporated from Article XX of the GATT 1994 that allow parties to adopt or enforce measures necessary to protect human, animal, or plant life or health and measures relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restriction on domestic production or consumption.

Finally, your letter states that there are other ways to address concerns about imports of foreign waste, noting as an example the U.S.-Canada Agreement Concerning the Transboundary Movement of Hazardous Waste. I would hope you are aware that H.R. 518 is providing the Environmental Protection Agency (EPA) with the requisite statutory authority necessary to enforce that very agreement as it applies to municipal solid waste. EPA has maintained that it cannot fully implement and enforce the U.S.-Canada bilateral agreement without the authority provided by H.R. 518 in new section 4011(c).

I also note that almost four years ago EPA officials testified that the current Administration would submit the necessary implementing legislation for the U.S.-Canadian bilateral agreement ''soon.'' No such legislative proposal has ever been submitted by President Bush.

You should be aware that H.R. 518 directs the EPA Administrator to implement the U.S.Canadian bilateral agreement within 24 months and, as noted above, provides the necessary authority to enforce its provisions with respect to municipal solid waste. Thus, our bill would give effect to the U.S.-Canada bilateral agreement and ensure that it is implemented. The passage of H.R. 518 is important to the people of Michigan and similarly affected States.

I hope this correspondence serves to correct any misunderstandings concerning H.R. 518.

Sincerely,

JOHN D. DINGELL,
Chairman.

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

DEAR MADAM SPEAKER: This letter is to express the Administration's concern with H.R. 518, the International Solid Waste Importation and Management Act of 2007. H.R. 518 would authorize states to restrict the receipt and disposal of municipal solid waste generated outside the United States.

The Administration is concerned that enactment of H.R. 518 would have the unintended result of increasing the disposal of hazardous waste in the United States and lead to an unnecessary trade dispute. According to the Environmental Protection Agency, approximately 230 U.S. companies. in over 32 states shipped hazardous waste to Canada in 2004 alone. If states use the authority in H.R. 518 to restrict foreign waste imports, this could provoke reciprocal actions by Canada or other trading partners against u.s. waste exports.

In addition, because H.R. 518 would authorize states to enact laws or regulations that exclusively restrict the disposal of foreign-generated waste or limit the amount of foreign waste shipped to the United States, it could raise concerns by our trading partners regarding U.S. compliance with international rules prohibiting trade discrimination. In fact, the Government of Canada has already questioned whether H.R. 518, as well as the state laws and regulations it could lead to, would be compatible with U.S. obligations under the North American Free Trade Agreement and WTO agreements.

Moreover, H.R. 518 could result in a patchwork of individual and possibly conflicting state and federal laws and regulations on the receipt and disposal of foreign municipal waste that could make it more difficult to manage cross-border waste flows in an environmentally sound and economically efficient manner.

Finally, there are other ways to address concerns about imports of foreign waste. For example, the U.S.-Canada Agreement Concerning the Transboundary Movement of Hazardous Waste has been a successful mechanism for managing the flow of hazardous waste between our countries and illustrates how issues relating to this type of trade can be handled in a manner that does not raise concerns for our trading partners.

We appreciate your attention to these concems. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

JUSTIN MCCARTHY,
Assistant U.S. Trade Representative for Congressional Affairs.

JEFFREY T. BERGNER,
Assistant Secretary of State for Legislative Affairs.

PROFESSOR BRIAN ROTHSCHILD HONORED BY NOAA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FRANK of Massachusetts. Madam Speaker, one of the most important institutions in the part of southeastern Massachusetts I have the privilege of representing, is the University of Massachusetts Dartmouth. The school has a justified reputation as a key agent for economic and educational development in the region, particularly along the State's south coast. One of the reasons for that reputation is Professor Brian Rothschild, who was until recently the Dean of UMass Dartmouth's School for Marine Science and Technology, SMAST, and currently serves as the school's Montgomery Charter Professor of Marine Science and Technology, as well as Co-Director of the Massachusetts Marine Fisheries Institute, and Chairman of New Bedford Mayor Scott Lang's Ocean and Fisheries Council.

I was delighted to learn that the National Oceanic and Atmospheric Administration, NOAA, recently named Dr. Rothschild as one of the recipients of the agency's 2007 Sustainable Fisheries Leadership Awards. I can't think of anyone who is more deserving of this award, or who better exemplifies the effort to harness science in the furtherance of sustainable fisheries. I have found him to be not only an accurate, completely reliable source of information, but also someone who consistently offers creative solutions to fishery science and management problems. In other words, he not only possesses extraordinary scientific acumen—he also uses it in the service of larger, societal goals.

For him, sustainability means a fishery that supports both healthy stocks and healthy fishing communities. Knowing of his commitment to this concept, I was not surprised he was chosen to head New Bedford's Ocean and Fisheries Council. This position has given him a broader platform from which to promote sustainability, and his advice and contributions continue to be valuable, whether they relate to the recently enacted Magnuson Reauthorization bill, environmental factors that affect fish stock abundance, how to more accurately determine fish populations in multi-species fisheries, or other vital research areas.

Madam Speaker, in view of Professor Brian Rothschild's distinguished career in fishery science, and in recognition of his many contributions to that discipline in southeastern Massachusetts and all of New England, I applaud NOAA's decision to honor him with a Sustainable Fisheries Leadership A ward, and I ask that the recent New Bedford Standard-Times article noting this achievement be printed here.

[From the New Bedford Standard-Times, April 21, 2007]

UMD'S ROTHSCHILD WINS NOAA AWARD

(By Becky W. Evans)

NEW BEDFORD.—Fishery scientist Brian Rothschild has won the National Oceanic and Atmospheric Administration's sustainable fisheries leadership award for his contributions to marine science and education.

Dr. Rothschild, former dean of the UMass Dartmouth School for Marine Science and Technology, is one of seven recipients of the award, created in 2005 to recognize individuals, organizations and industries ''whose contributions to science and management have served to promote best stewardship practices for the sustained use of the nation's living marine resources,'' according to NOAA's Office of Constituent Services.

''I feel very appreciative of people who recommended me for this honor,'' Dr. Rothschild said. ''I have dedicated my whole career to service and it is nice to have some recognition.''

Dr. Rothschild is the Montgomery Charter Professor of Marine Science and Technology at SMAST. He also is chairman of New Bedford Mayor Scott W. Lang's Ocean and Fisheries Council and is co-director of the Massachusetts Marine Fisheries Institute.

According to NOAA, Dr. Rothschild is ''one of the most cited fishery scientists in the world,'' having published more than 100 scientific papers and book chapters. His research interests include population dynamics, biological oceanography, fisheries management and natural resources policy.

Before arriving at SMAST in 1995. Dr. Rothschild held professorships at the University of Washington and the Center for Environmental and Estuarine Studies at the University of Maryland. He spent a decade working for NOAA as a policy adviser and director of several offices. He has consulted on fishery issues for the United Nations' Food and Agriculture Organization in India and Namibia and with the governments of Great Britain, Korea, Egypt, Peru, France and the Republic of Ireland.

The sustainable fisheries leadership awards will be presented during a ceremony in Washington, D.C., on June 7.

A TRIBUTE TO STEVE DONAHUE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. COURTNEY. Madam Speaker, last week Steve Donahue, a longtime community leader and friend from my district, passed away. I want to take this opportunity to honor his life, mourn his passing and pray for his wife and four children.

Steve was beloved by his friends and neighbors. As the longtime Chief of the Pawcatuck Fire Department, he commanded an abounding level of respect among his colleagues and community, and touched the lives of hundreds.

Steve was a young man of only 48 years. Although I wish that he had more time to spend with us, Steve certainly made the most out of what time he had. It is difficult to find someone in Pawcatuck who doesn't have anything but flattering things to say about Steve.

Hundreds of people from the community came to pay their respects at Steve's funeral last Saturday. He was a man of great integrity who made friends everywhere he went.

Today I join my colleagues in Congress to celebrate Steve's life and to pray for his wife Mary Lynne, and their four children. Steve, we will miss you.

ARTICLE BY THOMAS M. RUYLE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SKELTON. Madam Speaker, Thomas M. Ruyle wrote an excellent article, entitled ''Army Stretched Beyond Limits'', which appeared in the Sedalia Democrat on April 12, 2007. This article accurately describes the current state of our Army and the challenges it faces. I wish to share Mr. Ruyle's writing with the rest of the chamber:

[FROM THE SEDALIA DEMOCRAT, APR. 12, 2007]

ARMY STRETCHED BEYOND LIMITS

(BY THOMAS M. RUYLE)

The Army is broken.

Defense Secretary Robert Gates' announcement yesterday that all active-duty soldiers currently serving in Iraq would have their rotations extended by three months is the latest evidence that our military cannot meet the demands placed on it.

Furthermore, the Pentagon this week alerted four National Guard brigades for a second tour in Iraq, long before those units have had five years at home since their last deployment, as policy dictates.

Some active-duty units, such as the 3rd Brigade, 3rd Infantry Division, are serving their third tour in Iraq in four years.

They recently returned to Iraq after a shortened rest and re-training period. Newer soldiers have, in many cases, not had the time to train with their new comrades before being sent into battle.

Reserve units that have already served are woefully short on equipment and ammunition to properly retrain, either for the maw of Iraq or defending America itself. The Marine Corps recently announced that jungle training—a Corps mainstay—will be suspended as that service is forced to concentrate all resources on training for Iraq.

In the event of a major conflict erupting between the U.S. and another nation—Iran, North Korea and Pakistan come immediately to mind—America's ground forces, particularly the Army, are in no way, shape or form capable of responding appropriately.

Meanwhile, the current administration—particularly the vice president—continues to maintain that everything is progressing as scheduled in Iraq, and that anyone who begs to differ is a defeatist or unpatriotic. Trouble is, there was no schedule and little planning involved in the Iraq debacle.

The administration went to Iraq on a platform of lies, failed to heed the warnings of senior military officers and other warfare experts, and did not react appropriately when things started going bad in Iraq shortly after the invasion.

Indeed, under Donald Rumsfeld, the defense establishment followed the 'script' rather than act to prevent the looming realities that are obvious now.

Since 2001, America's military has been engaged full-time in two separate wars: The War on Terrorism (primarily in Afghanistan), and (since 2003) a second, unnecessary war that has only begotten more terrorism, further destabilized the Middle East and left America very vulnerable.

As an Army National Guard veteran of the Iraq War, I've seen firsthand the toll that a combat deployment will have on a unit, its equipment, soldiers and, their families. It takes years for a unit to properly recover and be ready to deploy again.

Sending units back to Iraq on a speeded-up schedule is a, disservice to not only the soldiers and families affected, but America's long-term strategy (if there is one) in Iraq as well as America itself.

All the while, there has been no effort to expand the military or adequately address the equipment shortcomings of units after serving in the harsh climate of the Middle East.

The recent spate of Guard alerts, tour extensions and shortened rest periods are indicative of a problem that the Pentagon and administration utterly refuse to acknowledge: The United States Army is broken, and it will take billions of dollars over at least a decade to bring the Army back up to a fully competent readiness level.

THANKING DAVID (DAVE) FOLK FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on May 2, 2007, we rise to thank Mr. David C. Folk for 20 years of distinguished service to the United States House of Representatives. David has served this great institution as a valuable employee for the Chief Administrative Officer.

David began his tenure with the United States House of Representatives in May of 1987 as a data communications specialist in the House Information Systems group. David's career at the House is one of consistent and steady contributions while meeting customer requests in voice and data wiring infrastructure. Specifically, David managed the rewiring upgrade of the House side of the Capitol and the Member Offices in all of the House Office Buildings.

He also was the Quality Assurance Evaluator on the original House Infrastructure contract and assisted in the development of differing voice systems such as the Member Paging System and the press secretaries systems for the broadcast media organizations. Finally, David managed the first Secure Communications program for the House and grew it from its infancy to where it is today.

David has been a key contributor to the CAO efforts on wiring infrastructure. His standard of excellence, dedication to passionate customer service, organizational skills, professionalism and ability to get the job done is well noted by his colleagues.

On behalf of the entire House community, we extend congratulations to David for many years of dedication and outstanding contributions to the United States House of Representatives. We wish David many wonderful years in fulfilling his retirement dreams.

HONORING NICK POLIZZOTTO

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, I rise today in tribute to Corporal Nick S. Polizzotto, nine year veteran of the South Bend Police Department, who gave his life in the line of duty. For the people of South Bend, Indiana, Corporal Polizzotto is indeed a hero.

On April 24, 2007, a report of gunshots brought Corporal Polizzotto and his partner, Patrolman Michael Norby, to a local motel. There, at 1:37 a.m., an armed suspect shot both policemen, killing Corporal Polizzotto. Patrolman Norby credits Corporal Polizzotto with saving his life.

Our community has lost a beloved family member, a generous friend, a devoted father and a dedicated protector. Often described as having a heart of gold, he proudly wore his uniform and bravely patrolled the streets of our city until making the ultimate sacrifice.

Born and raised in South Bend, Nick always wanted to be a police officer and graduated from Indiana University with a degree in criminal justice. During his many years as a Southeast South Bend beat officer, he received 18 commendations and was Officer of the Month in 2006.

Corporal Polizzotto leaves behind his parents, his son, Joseph, a brother and sister and countless relatives and friends who loved him. South Bend has lost a brave guardian.

Madam Speaker, we grieve for our hero, Corporal Nick Polizzotto. May God welcome him home and give comfort to his family and friends.

IN HONOR OF PETER DELFINO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FARR. Madam Speaker, I rise today to honor the life and memory of Peter J. Delfino, a man who was famous throughout the Monterey Bay area for his great gusto for life.

Peter was born in San Francisco to Nick and Angie Delfino on December 29, 1917. His family soon moved to a farm in Moss Landing where he and his brother Louie helped with the artichokes and other fresh vegetables they grew. Peter went to work for Bank of America after graduation from Monterey High School, but his heart remained on the farm. Ten years later, he joined the Odello family in growing artichokes on the banks of the Carmel River, and he continued to farm until he retired.

The Italian community in Monterey has always provided a busy social calendar, and Peter met his wife, Mary, through these activities. They were married on September 30, 1945. They had one son, Alan, three grandchildren, and a great-granddaughter.

Peter's other passion was picturesque properties in Carmel and Carmel Valley, Big Sur and Lake Tahoe. Family and friends spent many memorable weekends at these places, especially at his famous wild boar and lamb BBQs in Big Sur.

Peter loved being with people and belonged to several service clubs. After retirement he took great pleasure in helping friends in the construction industry with their various projects as it kept him working outside and in their company. Throughout his 89 years he enjoyed life to the fullest, and was never shy about striking up conversations with anyone he met.

Madam Speaker, I honor the life of Peter Delfino, a man who worked hard and diligently at a job he loved, and who made the world a happier place as he passed through.

TRIBUTE TO VIVIAN BERRYHILL

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. COHEN. Madam Speaker, I rise today to honor Vivian Berryhill, President and founder of the National Coalition of Pastors' Spouses. In her role with NCPS and as First Lady of the New Philadelphia Baptist Church in Memphis, TN, Mrs. Berryhill has been a goodwill ambassador across the world, conducting global outreach on HIV/AIDS. In addition to her passionate charitable work, Mrs. Berryhill is also an acclaimed songwriter.

Madam Speaker, I commend Vivian Berryhill for her tireless dedication to numerous noble causes. After receiving a Jefferson Award and its accompanying $500 gift, Mrs. Berryhill and her husband, Pastor Chester Berryhill, journeyed from Olive Branch, MS to Washington, DC and headed directly to the Walter Reed Army Medical Center to distribute 500 copies of Mrs. Berryhill's original song, ''Tomorrow E'vrything Will B Alright.'' After hearing of the conditions at Walter Reed, Mrs. Berryhill was inspired to share her music and its soul-healing effects, and immediately created 50O new copies of her song and placed them onto CDs to share with our wounded soldiers.

Upon being greeted with an overwhelming show of support and the warmest of receptions, Mrs. Berryhill and the pastors' spouses will be reproducing additional copies of this song and will return to Walter Reed in 3–4 weeks to distribute them.

Madam Speaker, it is for her noble and unflagging efforts to make this world a better place that I recognize Vivian Berryhill.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes:

Mr. HOLT. Mr. Chairman, I rise today in support of the Small Business Lending Improvements Act of 2007. H.R. 1332 is part of an ambitious legislative portfolio that will fulfill the Innovation Agenda. I was proud to help craft the Innovation Agenda, on which our Nation is dependent for its future prosperity.

Small businesses are a big part of the U.S. economy. In fact, small businesses employ more than half of all private sector employees and pay 45 percent of the total U.S. private payroll. New jobs come disproportionately from small businesses, which generated 60 to 80 percent of new jobs in the past 10 years.

Small businesses face big challenges. Too often they must depend on costly lending alternatives, including credit cards. Personal credit cards are the primary funding source for U.S. entrepreneurs. Borrowing fees and high interest rates weigh heavily on small businesses.

As presented in Rising Above the Gathering Storm, our Nation faces unprecedented challenges to its international competitiveness and quality of life. Small businesses are catalysts for technological innovation, and the entrepreneurship of small American startups occasionally has revolutionized our economy and lives. The viability of American small businesses is inextricably linked to the future prosperity of all our citizens.

This Act makes American entrepreneurship more viable. It improves the existing 7(a) (business start-up loan) program and the existing 504 (certified development company economic development loan) program to better serve veterans, rural areas, and areas lacking sufficient medical expertise. It improves eligibility requirements for designation as a certified development company (CDC), revises procedures around the foreclosure and liquidation of defaulted small business loans, and authorizes loans for projects that reduce energy consumption by at least 10 percent.

I encourage my colleagues to support this resolution. This can help us gain and retain a lead in economic prosperity and quality of life.

SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Mr. REYES. Mr. Chairman, I rise in strong support of the Small Business Lending Improvement Act of 2007 (H.R. 1332).

The U.S. maintains its position as a world leader in technological innovation and economic prosperity largely because of the talent of its citizens, its strong educational system and the entrepreneurial spirit of its small business owners. From developing innovative solutions to our most pressing problems, to successfully introducing these solutions into local and world markets, American small business is crucial to our strength as a country.

Small businesses, however, face difficult challenges. In particular, many small businesses lack capital, making it difficult to access the financing and loans they need to succeed. With fewer assets to pledge as collateral and less reliable earnings than larger businesses, small businesses have difficulty tapping into traditional business loans.

The Small Business Lending Improvement Act of 2007 is designed to provide well-qualified small businesses with greater access to capital so they can turn their ideas into profit. H.R. 1332 will allow small business to more easily acquire 7(a) loans, which will provide much-needed capital to small business entrepreneurs. H.R. 1332 directs the Administrator of the Small Business Administration (SBA) to execute rural lending outreach programs, which will aid small businesses with expenses ranging from start-up costs to equipment repairs and employee compensation. It also provides incentives to small businesses to operate in an environmentally friendly fashion.

If the U.S. is to maintain its position as a world leader in technological innovation and economic prosperity, we must do more to ensure that small businesses have the tools they need to succeed. For small businesses, access to capital is the key. It is for this reason, I ask my colleagues in Congress to join me in support of H.R. 1332.

IN HONOR OF THE 2007 NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize the dedication and service of the National Association of Letter Carriers. For the last 15 years the NALC has annually conducted what has become the largest food drive in the nation. This food drive is unique because it allows anyone with a mailbox the opportunity to take part. By participating in this food drive we are all building stronger neighborhoods and strengthening our local communities. Because of this event we are given the opportunity to support those in our communities who, far too often, go without.

For the past three years the sheer quantity of food collected has been staggering. Last year 70.5 million pounds of food were distributed in communities throughout this country. That was the third straight year where the amount of food distributed has exceeded 70 million pounds. Over the past 15 years the grand total of food collected is more than three quarters of a billion pounds of food. These totals have helped make the NALC National Food Drive the largest single day food drive in the nation.

This year NALC president William H. Young has challenged all of the local branches throughout the country to increase their food totals by 10 percent. This challenge has inspired one of the largest publicity campaigns in NALC Food Drive history as well as encouraged good natured competition between regional branches. I know that the Letter Carriers of 10th Congressional District of California will make us proud.

The NALC National Food Drive is distinctive in how the food is distributed. It strengthens community ties because all of the food collected by local carriers goes back into those neighborhoods. 10,000 communities across the country will be part of this amazing event. Because every pound of food goes to local food banks, the NALC National Food Drive gives everyone the opportunity to support their community. A simple donation of non-perishable food placed in the mailbox with the outgoing mail will help change the lives of those who live and work in the area. Thanks to the NALC and due to this creative and effective strategy, getting involved has never been easier.

Again, I want to congratulate the NALC for conducting such a remarkable event and I am proud to say that I will be leaving food in my mailbox on May 12th.

RECOGNIZING THE 27TH ANNUAL MAIMONIDES HEBREW DAY SCHOOL'S SHINING EXAMPLES TRIBUTE DINNER

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. McNULTY. Madam Speaker, the 27th Annual Maimonides Scholarship Shining Examples Tribute Dinner will be held this evening in Albany, New York. The Maimonides Hebrew Day School of the Capital District in Albany, New York has been providing quality Jewish and General Education in the Capital Region, Albany, NY since 1980. It is a beneficiary of the United Jewish Federation of Northeastern New York and has partnered with numerous area organizations and institutions over the years. Its motto is ''A Beautiful Blend—Torah and Worldly Experience'' following its namesake, Moses

Maimonides (the Rambam), the great scholar, codifier, physician and philosopher.

The Maimonides School will present Abraham "Avi" Losice the Dr. Morton Berger Memorial Award. The Berger Award is presented annually to an outstanding individual who combines Torah with worldly excellence.

In addition, the Maimonides School will present Zahir awards to the following persons: Dr. Joe Adler, Lori Calka, Phil Chandler, Salia Galitz, Judy Kaskel, Rivka Kochman, Dr. Michael Lozman, Thomas Nathan, Raizel Neiman, Barbara Scher, Tanya Schwartz, Rita Shachne, Chana Sidi, Jack Sissman, and Rachel Weitz.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LANTOS. Madam Speaker, May is Asian Pacific American Heritage Month, an occasion to celebrate unique and beautiful cultures that enhance all of our lives, but also to highlight how Americans of all different backgrounds are inextricably linked in our effort to build a better future for our country and a better life for our children.

Finding unity in diversity is at the very core of what makes us Americans.

I have the good fortune of representing a very diverse region in the Bay Area—the Peninsula and part of San Francisco. With well over 100,000 Asian and Pacific Islander Americans and generations of their descendents, we have all seen first-hand the stunning contributions of these Americans to our community, and we owe them our thanks. In fields as varied as the arts, health care, business and military service, Asian Pacific Americans are central to our quality of life.

I have personally had the honor of participating in a wide variety of cultural celebrations, such as the Chinese Lunar New Year ceremony in San Francisco this year, and a Japanese tea ceremony that I am hosting for my colleagues in Washington next week. Events like these not only help preserve Asian and Pacific Island heritage, but enrich our entire community and remind us all that there is more to our world than what lies between our shores.

As we begin the celebration of this Heritage Month, it is important to take note of this year's theme: "Meeting the Challenges for Asian Pacific Americans in 2007." We do face serious and urgent challenges, including the need to secure the benefits that our Filipino-American veterans so richly deserve.

I myself am an American by choice, and I understand what it means to come to this country with nothing more than an unwavering commitment to give your children the broadest possible set of opportunities. Immigration has played a vital role in the success of this nation. Yet sadly, as many as 1.5 million Asians are currently caught in an immigration backlog for family visas, and continue to spend holidays and special occasions far away from their loved ones. The Democratic-led Congress is leading the way toward comprehensive reform that not only addresses our nation's real security needs but protects and unites families.

Once Asian and Pacific Islander Americans arrive in this country, it is our vital responsibility to protect and defend them, along with all victims of malicious, hate-motivated crime. In 2005, at least 199 people were victims of anti-Asian violence—each act a crime not only against the individual but against our country as a whole. Democrats in the House will act on the Local Law Enforcement Hate Crimes Prevention Act to give the Justice Department authority to prosecute hate crimes in which the victim was selected because of their race, color, religion, national origin, gender, sexual orientation or disability.

Democrats in Congress are taking seriously their responsibility to stand up for Asian Pacific American families. We are hard at work on issues that affect Asian and Pacific Islander families and all American families—critical issues such as education, health care, proper training and equipment for our troops and quality care for our veterans. We are committed to ensuring that these issues remain top priorities in the coming months.

Asian Pacific Americans in our community have proved to all of us that the American dream is vibrant, and that its great promise is kept alive when we join together to celebrate our diverse heritage. Americans' ability to not only tolerate our neighbor's different cultural background, but to embrace it, as we do this month, is at the heart of what makes the United States truly the greatest nation in the world.

TRIBUTE TO CAPTAIN DANIEL MACLEOD

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the exemplary career of a constituent and fellow Coastie.

After 26 years of service, Captain Daniel MacLeod, originally of Hanover, Massachusetts, will be retiring from the United States Coast Guard on June 29, 2007. Captain MacLeod's extended résumé boasts an impressive list of accomplishments.

After Graduating the U.S. Coast Guard Academy in 1981, Captain MacLeod served as First Lieutenant aboard USCGC VALIANT and then as a Navy Exchange Officer aboard USS GRIDLEY. Captain MacLeod then served as executive officer of TACLET Miami conducting counter-drug operations. While serving as Operations Officer for USCGC RUSH (WHEC–723), Captain MacLeod received TAD orders to the Persian Gulf with the first group of Coast Guardsmen to participate in Operation Desert Shield. After a tour at Coast Guard Headquarters as part of the Deepwater Mission Analysis Staff, Captain MacLeod spent two years as Executive Officer of CGC TAMPA (WMEC–902). Then, in January of 2000 Captain MacLeod was assigned as Commanding Officer of USCGC FORWARD (WMEC–911). Both the TAMPA and FORWARD completed numerous counter-drug, homeland security, alien migration interdiction operation patrols.

In June 2002, Captain MacLeod was assigned as Chief of the Marine Protected Species Division. While assigned, Captain MacLeod headed up the Maritime Homeland Security and General Law Enforcement Division. On October 1, 2007, Captain MacLeod will be retiring from the United States Coast Guard as Chief of the Deepwater Human Systems Integration Office.

As a former Coast Guard Reservist and co-chair of the Coast Guard Caucus, it is an honor to recognize Captain MacLeod's many years of admirable service. I wish him all the best in his retirement and know that his courage and leadership will be missed.

HONORING CORPORAL NICK S. POLIZZOTTO OF THE SOUTH BEND POLICE DEPARTMENT

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, I rise today in tribute to Corporal Nick S. Polizzotto, a nine year veteran of the South Bend Police Department, who gave his life in the line of duty. For the people of South Bend, Indiana, Corporal Polizzotto was, indeed, a hero.

On April 24, 2007, a report of gunshots brought Corporal Polizzotto and his partner, Patrolman Michael Norby, to a local motel. There, at 1:37 a.m., an armed suspect shot both policemen, killing Corporal Polizzotto. Patrolman Norby credits Corporal Polizzotto with saving his life.

Our community has lost a beloved family member, a generous friend, a devoted father and a dedicated protector. Often described as having a heart of gold, he proudly wore his uniform and bravely patrolled the streets of our city until making the ultimate sacrifice.

Born and raised in South Bend, Nick always wanted to be a police office and graduated from Indiana University with a degree in Criminal Justice. During his many years as a Southeast South Bend beat officer, he received 18 commendations and was Officer of the Month in 2006.

Corporal Polizzotto leaves behind his parents, his son, Joseph, a brother and sister and countless relatives and friends who loved him. South Bend has lost a brave guardian.

Madam Speaker, we grieve for our hero, Corporal Nick Polizzotto. May God welcome him home and give comfort to his family and friends.

IN CELEBRATION OF FRESNO COUNTY FARM BUREAU'S 90TH ANNIVERSARY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. COSTA. Madam Speaker, I rise today to honor California's Fresno County Farm Bureau.

Agriculture continues to be California's number one industry with Fresno County leading the way as the most productive agricultural county in California. The fertile soils of Fresno County support over 350 different crops, valued at nearly $5 billion annually to the California economy. These crops, many of which

are grown nowhere else commercially in the nation, are shipped throughout the United States as well as foreign markets. Good farmers, favorable weather conditions and water supplies are major factors contributing to California's bountiful crops, but the role of the Fresno County Farm Bureau in Fresno County's agricultural success cannot be understated.

Fresno County Farm Bureau will celebrate their 90th anniversary during their annual banquet held on May 3, 2007. It is appropriate at this time to highlight its many achievements and to underscore the crucial role that Farm Bureau has had in supporting and advocating on behalf of agriculture in Fresno County.

The Farm Bureau is the largest organization of farmers, ranchers, business people and citizens in the United States and it continues to grow in size and stature. In California, the Farm Bureau was formed in 1919. Today, there are nearly 92,000 members in 56 counties and nationwide with over 6.2 million enjoying membership.

Two years prior to the formal establishment of the Farm Bureau in California, a group of Fresno area farmers met with the first Extension Service farm advisor assigned to Fresno County to lay the groundwork for a county Farm Bureau organization. The vision was to provide a bona fide farm organization which could disseminate information and promote better farming practices.

Ninety years later, the Fresno County Farm Bureau is the largest farm bureau in the state of California, participating in nearly every facet of farming life. The Fresno Farm Bureau, through its voluntary, elected leaders and professional staff, is dedicated to promoting and protecting the family farm and to maintaining the treasured natural resources that are so important to California and this nation's vitality and lifestyle. The Fresno Farm Bureau has committed to the protection of public health, safety and welfare. Both are accomplished by local determination and active participation in the legislative process. In fulfilling these responsibilities, the Fresno County Farm Bureau is helping local agricultural producers maintain a viable system of production and delivery of abundant, safe supplies of wholesome food and fiber to our local, national and export consumers.

I commend Fresno County Farm Bureau for the presence, dedication, knowledge, professionalism and hard work on behalf of our farmers in California. Our nation's residents as well as citizens of other nations are the beneficiaries of this amazing supply of agricultural products. Farmers, Fresno County, California and our nation can be proud of Fresno County Farm Bureau's 90 years of service.

IN MEMORY OF NICOLE REGINA WHITE

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FORBES. Madam Speaker, I rise today in memory of Nicole Regina White, who was tragically killed in the recent attack at Virginia Polytechnic Institute and State University on April 16, 2007.

Nicole was known to many as a person who possessed the heart of a servant. She found ways to invest in those around her, whether it was through conversation, friendship, lending a helping hand, or through volunteer work. As a trained emergency medical technician, she is believed to have even been helping people in the final moments of her life. Those who were close to her know how passionately Nicole gave back to her community, classmates, teachers, and family. She was a committed member of her church's outreach program, a Sunday school teacher, an EMT for the Smithfield Volunteer Fire and Rescue Squad, and a lifeguard at her local YMCA.

Many say that one of Nicole's greatest loves in life was taking care of animals. During high school, Nicole volunteered at local stables and barns to take care of horses. In this hobby, it is clear to see that Nicole's heart and mission in life was to serve and care for others. Nicole was a double-major in International Relations and German at Virginia Tech.

Nicole was a person who loved life, loved serving people, loved her family, and, most importantly, loved the Lord. Although her life was tragically cut short, many are blessed to have known and loved her.

RECOGNIZING THE FIRST MAJORITY WOMEN CITY COUNCIL IN KANSAS CITY, MISSOURI HISTORY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. CLEAVER. Madam Speaker, I rise today to congratulate and recognize history in the making. Today, for the first time in Kansas City, Missouri's history, a majority women's City Council will be sworn in at City Hall. While I wish I could have joined them in person in the Council Chambers I used to serve in as Mayor of Kansas City, I want to honor today's incoming Mayor, Mark Funkhouser, and the talented twelve City Council members who represent our State's largest city. Among them, seven women who are making history; by proving that our society can deliver change when the people call for it. These extraordinary women have demonstrated that the social norms by which women have traditionally been confined can be eradicated and the prospect for real change is not only plausible, but possible.

The women that stand before the City Clerk today and take the oath of office as members of the first majority women City Council are: Deb Hermann—serving the 1st District-at-Large, Melba Curls—serving the 3rd District-at-Large, Sharon Sanders Brooks—serving the 3rd District, Beth Gottstein—serving the 4th District-at-Large, Jan Marcason—serving the 4th District, Cindy Baker Circo—serving the 5th District-at-Large, and Cathy Jolly—serving the 6th District-at-Large.

Deb Hermann was first elected to the City Council in March 2003 and was immediately appointed Chairwoman of the Neighborhood and Housing Committee and member of the Operations Committee. She brought with her experience and leadership ability through active participation and involvement in nearly thirty civic and community organizations since 1979. She was a member of the Gracemor Randolph Community Council for 24 years and served as its President from 1994 until her election to the City Council. Councilwoman Hermann served as the Chairwoman for the Property Maintenance Advisory Committee in 2001, and in 1999 was appointed as a Kansas City Plan Commission Board Member. Councilwoman Hermann has proudly served the citizens of the 1st District-at-Large for the past four years and continues to place a high priority on her commitment to neighborhoods.

Melba J. Curls has served the 41st District in the Missouri House of Representatives since 1999, ending her service in 2006 to run for City Council. While in office, she championed many causes, the most notable being legislation that extended renewal of the KC Area Transportation Authority's taxing ability to ensure that the critical needs for public transportation services remained funded in our community. This helped the less fortunate with their need for public access to jobs and health care. Curls has a long history of public service. Prior to her State election, she was employed in the Mayor's Office with the City of Kansas City, and before that, she served as a staff assistant in the Kansas City office of U.S. Senator Tom Eagleton. Curls is a life-long resident of Kansas City, and attended the University of Missouri-Columbia.

Sanders Brooks has served the 37th District in the Missouri House of Representatives since 2000, ending her service in 2006 to run for City Council. While in the State Legislature, she championed many causes, the most notable being a bill that outlived mandatory set-asides for Minority and Women-owned businesses. She has long been committed to protecting our community's history and brings that passion to fight for the causes of her constituents with her to City Hall. Prior to her State election, Brooks was successful civil rights investigator. A long-time friend and parishioner of mine, Brooks is a graduate of American University in Washington, DC where she earned a Bachelor of Arts in Journalism.

Beth Gottstein formerly served as the Resource Development Manager at the Hispanic Economic Development Corporation before stepping down to run for City Council. Gottstein has also been known to spearhead several local candidate campaigns and has long been active in our region's political organizations, including assisting with my first election to Congress. Gottstein has prior City Hall experience and has also been intimately involved with the Greater Kansas City Women's Political Caucus, a local organization that promotes women's involvement in politics. Gottstein earned a Bachelor of Arts in Political Science from the University of Missouri and a Master's of Public Administration from University of Missouri-Kansas City.

For the past sixteen years, Jan Marcason has served as the Executive Director of the Mid-America Assistance Coalition, where she managed an annual budget of more than a million dollars and helped direct millions of dollars to local social service organizations. She was also the former President of the Women's Political Caucus. Previously, Jan's public service extended to Washington, DC, where she worked for former Vice President Walter Mondale. Marcason was born and raised in Kansas City. She earned a Bachelor of Arts in Education from the University of Kansas, and a Master's in Business Administration from University of Missouri-Kansas City.

Cindy Baker Circo has been a small business owner for more than two decades; she has also been the neighborhood President of the Country Valley Homes Association, an eastern Kansas City suburb, and is a former Public Improvements Advisory Council member for the 5th District. As 5th District Councilwoman, Circo plans to continue to focus on addressing the basic needs of the community, including infrastructure issues that face so many of our neighborhoods. Circo is a lifelong resident of the Kansas City area and an active member of St. Mark's Church.

Cathy Jolly has served the 45th District in the Missouri House of Representatives since 2000, also ending her service in 2006 to run for City Council. While in our State's Capital, Jolly sponsored several pieces of legislation related to reducing crime and protecting our community through harsher sentences for criminal action. Prior to her State election, Jolly served as an Assistant Prosecutor in Jackson County, where she was instrumental as the coordinator of the Drug Abatement Response Team. Jolly is also an active member of the Women's Political Caucus and a recipient of their highest award, the "Torch Award." A resident of South Kansas City, Jolly earned a Bachelor of Science in Political Science from the University of Missouri-Columbia and a Juris Doctorate from the University of Missouri-Kansas City.

Madam Speaker, please join me today in recognizing this historical moment, the first majority women City Council in Kansas City, Missouri's history. Their past experiences and impeccable records are certainly indications of all the good that is to come. With this recognition, we join the citizens of Kansas City in paying tribute to these extraordinary women. On this historic occasion, I wish my best to our incoming Mayor, Mark Funkhouser, and all of the members of the Kansas City Council. I urge my colleagues of the 110th Congress to join me in congratulating the first majority women City Council since the establishment of Kansas City's modern government in 1925 as they set an example and precedent we can all be proud of and strive to replicate across our Nation.

INTRODUCTION OF THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I want to thank Chairman OBERSTAR for joining me in introducing the Federal Railroad Safety Improvement Act of 2007. This legislation is long overdue and will authorize safety programs in both passenger and freight rail that will protect passengers, workers, and the communities that our passenger and freight rails serve. It will also improve the safety of our rail infrastructure which will allow for the exceptional growth expected in both passenger and freight rail.

This legislation will make major improvements in railroad safety by requiring the Department of Transportation to develop a long-term strategy for improving rail safety, authorizing funds for the purchase of track geometry vehicles and for the development of an underground and tunnel safety facility.

The legislation strengthens hours-of-service by mandating consecutive hours of rest, eliminates limbo time, and requires fatigue management plans. It also strengthens whistleblower protections and imposes penalties for safety, hours-of-service, and accident reporting violations.

The legislation also mandates the implementation of Positive Train Controls, improves warning systems in non-signaled territory, establishes minimum training standards, and recommends ways to mitigate health hazards.

Congress last passed legislation to reauthorize the Federal Railroad Administration (FRA) in 1994. That authorization expired in 1998. Since that time, the railroad industry has changed dramatically. Economic growth and an increase in international trade have led to record traffic levels. At the same time, Amtrak and the commuter railroads—which often operate on freight rail lines—are moving more passengers, which means that there is a lot of pressure on our rail system. This has a significant impact on worker and public safety.

According to the FRA, train accidents have increased by 33 percent since 1994. Fatalities and injuries have also increased—from 12 fatalities and 262 injuries in 1994 to 33 fatalities and 734 injuries in 2005. Injuries hit an all-time high of 1,884 in 2002 due to the train accident in Minot, ND.

According to the FRA, human factors are responsible for nearly 40 percent of all train accidents, and a new study confirms that fatigue plays a role in approximately one out of four of those accidents.

Researchers analyzed the 30-day work schedules of locomotive crews preceding 1,400 train accidents and not surprisingly found a strong correlation between the crew's level of alertness and the likelihood that they would be involved in an accident. NTSB investigators have reached similar conclusions.

The hours of service law, which was originally enacted in 1907 and substantially amended in 1969, is outdated. It deals only with acute fatigue, not cumulative fatigue. Since the rail industry is markedly different today compared to 40 or 100 years ago, there are some significant shortcomings in the law.

For example, the law does not properly address "limbo time," which is the time when a crew's working assignment is finished and they are waiting for transportation back to their homes. During limbo time, crewmembers are required to stay awake, alert, and able to respond to any situation, which means that crews can be on the job for as long as 15 or 20 hours at a time. Although the NTSB has repeatedly asked the FRA to make improvements to hours-of-service and address fatigue, the FRA seemingly does not have the regulatory authority to do so.

The Railroads, Pipelines, and Hazardous Materials Subcommittee has held numerous hearings on railroad safety, fatigue, and human factor accidents and has heard testimony from all the stakeholders and policy makers in the passenger and freight rail industry. I believe this legislation will help reduce accidents, improve rail safety, and improve the work environment for employees which will allow the passenger and freight rail industry to safely handle the future growth projected for both modes of transportation.

I encourage all of my colleagues to support this legislation and I urge its swift passage so that we can begin to implement these important safety measures immediately.

IN RECOGNITION OF DANA J. KELLY FOR OVER FORTY YEARS OF DISTINGUISHED SERVICE TO LOCAL 537, PIPEFITTERS ASSOCIATION OF BOSTON, MASSACHUSETTS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LYNCH. Madam Speaker, I rise today in honor of my longtime friend and fellow brother of the Building Trades, Dana J. Kelly. Dana is a remarkable labor leader with a long and illustrious career in Local 537 Pipefitters Association of Boston. Throughout his tenure, Dan has dedicated his efforts to improving the lives of working men and women throughout Massachusetts.

Madam Speaker, Dana joined Local 537 in March of 1965 while attending Charlestown High School in Boston, Massachusetts. Dana's attention to detail and craftsmanship led him to become a welding instructor for Local 537. As a result of his dedication to this craft, Dana attended and graduated from the United Association's 5 year Instructor Training Program at Purdue University.

After 18 years of dedicated work and leadership, Dana was elected in both 1983 and 1985 to serve on the Executive Board to Local 537. In 1985 he was appointed Organizer of Local 537, a position he held for the next 13 years. Due to his unique leadership abilities, Dana as designated Chairman of the New England Pipe Trades Action Committee which coordinated organizing efforts throughout New England. In 1998, Dana was elected Assistant Business Manger of Local 537 and held this position for 2 terms. In 2004, he was elected Business Manager and Financial Secretary Treasurer.

Despite his various accomplishments, as his friend, I can honestly say that the title that Dana s always been most proud of and which he cherishes most, is that of husband and father. Dana has had the tremendous good fortune and distinct honor to be married to his wife Linda. Together, Linda and Dana have three wonderful children and four beautiful grandchildren.

Speaker, it is my distinct honor to join Dana's family, friends and brothers and sisters of labor to thank him for over 40 years of remarkable service to the American Labor Movement. I hope my colleagues will join me in celebrating Dana's distinguished career and wishing him good health and success in all his future endeavors.

TENTH ANNIVERSARY OF THE INSTITUTE OF ENVIRONMENTAL AND HUMAN HEALTH

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. NEUGEBAUER. Madam Speaker, I congratulate The Institute of Environmental and

Human Health on reaching its tenth anniversary. TIEHH was established in 1997 with a mission to stimulate and develop environmental and health sciences research and education at Texas Tech University and the Texas Tech Health Sciences Center. TIEHH focuses on the integration of environmental impact assessment of toxic chemicals with human health consequences, framed in the context of science-based risk assessment to support sound environmental policy and law. Work at TIEHH has resulted in applications for homeland security and defense, including a new fabric that can protect our military and civilians from effects of chemical and biological weapons.

TIEHH first opened as the ''anchor tenant'' at the then-closing Reese Air Force Base, now known as Reese Technology Center, and helped make the redevelopment of Reese the most successful BRAC closure of any military base in the United States. TIEHH started with a staff of 45, comprised of faculty, staff and graduate students. TIEHH now has 200 on its daily payroll and has generated close to $50 million in revenue, while the Institute's ripple effect on the local economy is nearly $200 million.

Through the past 10 years, TIEHH has developed a program of national and international stature for Texas Tech and Lubbock, being described by external peer-reviews as 'world-class' and with its academic program being called ''the best in the country.'' TIEHH draws not only students from Texas but also undergraduate and graduate students from all over the United States and many foreign countries to Texas Tech. In its 10 short years, TIEHH has become one of the top doctoral producing programs at Tech.

I have worked hand-in-hand with TIEHH to secure federal funding that supports research to improve the resources available to protect our troops abroad and citizens at home from chemical and biological threats. When it comes to federally funded research, results matter, and TIEHH is quickly establishing a track record of proven results that strengthen our national security. In the next 10 years and beyond, TIEHH will continue to be a research leader in the environmental and human health field. I am proud to join the citizens of Lubbock in extending my appreciation for all the hard work and accomplishments of those at The Institute of Environmental and Human Health.

HONORING PRIVATE DAVID NEIL SIMMONS OF KOKOMO, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor the sacrifice of Private David Neil Simmons of Kokomo, Indiana, who was killed in an ambush on April 8, 2007, while serving his Nation in Baghdad, Iraq. Neil risked everything in service to America, and for that we are eternally grateful. –

Neil was the kind of kid whom everyone loved. With his big smile and enthusiasm, he made life more enjoyable for everyone around him. As someone who deeply loved his family and knew what it meant to be a great friend, he also made life better for those around him.

Neil was also a grateful person, returning to his high school to visit friends and thank teachers and mentors for their impact on his life. During one of these visits, just a couple weeks before he was set to deploy to Iraq, he ran into Janet Lovelace, a secretary at Northwestern High School. When Janet gave Neil a hug and thanked him for his service, he became teary-eyed. Today, on behalf of this entire nation, I would also like us to stop and give thanks to Neil for his service.

Upon hearing about his son's death, David Simmons said, ''Freedom is very expensive. You don't know how much until something like this happens. My heart goes out to all the families that have to go through this.'' In the midst of so much sorrow, to remember other families is truly remarkable.

I have been privileged to speak several times with Neil's mother, Teri Tenbrook, over the past few weeks. Her courage and resolve in so tragic a time are impressive. The simple truth is that the true price of war is paid by soldiers and their families. Today I honor Neil Simmons, and I honor his family.

Neil's ultimate sacrifice puts him in the solemn and revered company of patriots who have given their lives in service to their country. My humble thanks to Neil and to his family. His name will live as long as this Nation lives.

May God grant peace to those who mourn and strength to those who continue to fight. And may God be with all of us, as I know he is with Neil.

THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. OBERSTAR. Madam Speaker, today I have introduced a bill to reauthorize the Federal Railroad Administration, FRA, and improve the safety of our Nation's railroads.

Congress last reauthorized the FRA in 1994; that authorization expired in 1998. Since that time, the Committee on Transportation and Infrastructure has held 13 hearings on rail safety. In the first four months of the 110th Congress alone, we have held 4 hearings on rail safety, including 1 field hearing in San Antonio, Texas. At these hearings, we received testimony from the Federal Administration, FRA, the National Transportation Safety Board, NTSB, the Department of Transportation's Inspector General, the Government Accountability Office, GAO, Members of Congress and other elected officials, the railroads, rail labor, and numerous safety organizations and experts. This bill is the product of what we have learned through these hearings.

According to the FRA, the total number of train accidents, including collisions and derailments, increased from 2,504 in 1994 to 3,325 in 2005. In 2006, the number of train accidents decreased to 2,835.

Although I am encouraged by improvements in the 2006 rail safety statistics, I believe we still have a long way to go. Serious accidents resulting in fatalities, injuries, and environmental damages continue to occur. The Department of Transportation predicts that rail traffic will more than double over the next 20 years. That increase, coupled with the fact that there are far fewer workers having to meet more demands on the railways than ever before, will only exacerbate the situation.

In 1980, 459,000 rail workers were responsible for moving 919 billion railroad ton-miles of freight, or 2,002,787 ton-miles per employee. By 2005, 182,000 workers moved 1,760 billion ton-miles of freight, or 9,670,329 ton-miles per employee. Over the last 25 years, overall rail productivity has risen 168 percent while the workforce has decreased by 40 percent. That has a significant impact on safety, in particular worker fatigue.

According to the FRA, about 40 percent of all train accidents are the result of human factors; 1 in 4 of those accidents result from fatigue. The FRA has launched a number of initiatives focused on reducing accidents caused by fatigue and other human factors. I appreciate the FRA's hard work in this area, but the FRA can only do so much when it comes to fatigue. The FRA is the only agency within the Department of Transportation, DOT, that does not have the regulatory authority to address hours-of-service. Hours-of-service for railroad employees is set forth in statute.

According to the National Transportation Safety Board, ''the current railroad hours-of-service laws permit, and many railroad carriers require, the most burdensome fatigue-inducing work schedule of any Federally-regulated transportation mode in this country.'' A comparison of the modes is revealing. A commercial airline pilot can work up to 100 hours per month; shipboard personnel, at sea, can work up to 240 hours per month; a truck driver can be on duty up to 260 hours per month; and train crews can operate a train up to 432 hours per month. That equates to more than 14 hours a day for each of those 30 days.

Despite widespread agreement that the hours-of-service law is antiquated and in need of updating, it has been almost 40 years since substantial changes to the law have been made. In previous Congresses, I introduced legislation to strengthen hours-of-service. The railroads fought against it, stating that hours of service should be dealt with at the collective bargaining table because I believe that the safety of railroad workers and the safety of the general public, which all too often are the victims in these train accidents, should not be relegated to a negotiation between management and labor. I am again introducing legislation that strengthens hours-of-service and reduces rail worker fatigue.

My bill will: provide all train crews and signal personnel with a minimum of 10 hours of rest a day and at least 24 consecutive hours off duty in a seven consecutive day work period; prevent the railroads from disturbing their workers during rest time, keeping them from obtaining their full 10 hours of rest; limit the number of days signal personnel can exceed their hours-of-service during emergencies, consistent with dispatcher limits of not more than three days in a seven consecutive day work period; ensure that signal personnel cannot be forced to exceed their hours-of-service to conduct routine inspections, repairs, and maintenance of signal systems; eliminate so called ''limbo time.'' Limbo time is a term used to describe the period of time when a train operating crew's hours-of-service have expired, but the crew is awaiting transportation back to their point of final release; meaning, the off

duty location or terminal point where they can go home or obtain food and lodging at an away from home terminal. During limbo time, crewmembers are required to stay awake, alert, and able to respond to any situation. Limbo time can and has kept railroad operating crews effectively on-duty for well over 12 hours, and in the case of the Union Pacific engineer involved in the 2004 Macdona, Texas accident, 22 hours (12 hours on-duty and 10 hours in limbo); require railroads to submit fatigue management plans to the Secretary for review and approval, and; provide the Secretary with the regulatory authority to reduce the maximum number of hours an employee can remain or go on duty and increase the minimum number of hours of rest.

This Act also addresses a number of longstanding open NTSB recommendations that will help prevent accidents caused by human factors, such as fatigue. Specifically, the Act requires all Class I railroads to develop and submit to the Secretary for review and approval a plan for implementing a positive train control system by December 31, 2014. Implementation of positive train control has been on the NTSB's list of most wanted safety improvements since its inception in 1990. Since that time, the Board has issued numerous recommendations to the FRA to implement positive train control after several high-profile accidents, including a 2004 accident in Macdona, Texas, and a 2005 accident in Graniteville, South Carolina accident; yet the FRA has thus far failed to do so.

The Act also requires railroads to install automatically activated devices, independent of the switch banner, along main lines in nonsignaled territory to enable train crews to determine the position of a switch far enough in advance to stop a train if they discover that it is in the wrong position. In the absence of such switch position indicators, the Act requires railroads to operate trains in nonsignaled territory at speeds that will allow them to be safely stopped in advance of misaligned switches. According to the FRA, misaligned switches are the number one cause of human factors accidents.

In 2006, track-related accidents surpassed human factors-related accidents as the leading category of rail accidents. Recent accidents in Oneida, New York, Pico Rivera, California, Home Valley, Washington, Minot, North Dakota, and Nodaway, Iowa, raise serious concerns about the condition and safety of track on our Nation's railways. On April 18, as a result of the accident in Oneida, the FRA conducted an audit of CSX tracks in upstate New York and found 78 track defects and 1 serious violation. To help address these concerns and additional concerns raised by the NTSB, this Act provides funding for the Secretary to purchase 6 Gage Restraint Measurement System vehicles and 5 track geometry vehicles. This will enable to the Secretary to deploy one Gage Restraint Measurement System vehicle and 1 track geometry vehicle to each of the 8 FRA regions. The Act also directs the Secretary to issue regulations within 1 year after enactment that requires railroads to manage their tracks to minimize accidents due to internal rail flaws. At a minimum, the regulations must require the railroads to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects, as recommended by the NTSB; require railroads to perform integrity inspections to manage a service failure rate of less than 0.1 per track mile; and encourage railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program. New safety regulations are also required for all classes of track for concrete ties, as recommended by the NTSB.

In addition, the Act strengthens safety on our Nation's grade crossings by requiring railroads to establish, maintain, and post a toll-free number at all grade crossings to receive calls reporting malfunctions of signals, crossing gates, and other devices, or disabled vehicles blocking such crossings, and to clear vegetation that may obstruct the ability of pedestrians or motor vehicle operators to see oncoming trains at grade crossings. The Act also requires regular reporting of current information on grade crossings to the FRA to enable States to determine where to best dedicate their resources for grade crossing improvements.

The Act also addresses some concerns highlighted in a recent audit of the Department of Transportation's Inspector General, which I requested after a series of New York Times articles alleged problems with railroad accident reporting and investigations at grade crossings. The Inspector General found that railroads failed to report 21 percent of reportable crossing collisions to the National Response Center, NRC. Railroads are required to report crossing collisions involving fatalities and/or multiple injuries to passengers or train crewmembers, and fatalities to motorists or pedestrian involved in grade crossing collisions to the NRC within 2 hours of the accident, according to FRA and NTSB regulations. Immediate reporting allows the Federal Government to decide whether or not to conduct an investigation shortly after a crossing collision has occurred. The DOT Inspector General's analysis showed that 115, or 21 percent, of 543 reportable grade crossing collisions that occurred between May 1, 2003 and December 31, 2004 were not reported to the NRC. Although the 115 unreported crossing collisions, which resulted in 116 fatalities, were reported to the FRA within 30 to 60 days after the collision, as required, that was too late to allow Federal authorities to promptly decide whether or not to conduct an investigation. This Act requires the FRA to conduct an audit of all Class I railroads at least once every 2 years and all non-Class I railroads at least once every 5 years to ensure that all grade crossing accidents and incidents are reported to the national accident database.

The Inspector General's audit also found that the Federal Government investigates only a small number of grade crossing collisions. From 2000 through 2004, FRA investigated 47 of 376, or 13 percent, of the most serious crossing collisions that occurred—those resulting in 3 or more fatalities and/or severe injuries. No Federal investigations were conducted for the remaining 329 crossing collisions. The GAO seems to agree with the Inspector General's findings. According to the GAO, the FRA is able to inspect only 2/10 of 1 percent of all railroad operations each year. Compare this to the Federal Aviation Administration (FAA): In 2004, the FAA conducted onsite investigations of 1,392, or 93 percent, of the 1,484 general aviation accidents that the FAA had responsibility for investigating in 2004. Unlike the FRA, however, the FAA has an Office of Accident Investigations staffed with 8 full-time investigators whose mission is to detect unsafe conditions and trends and to coordinate the process for corrective actions. In addition, the FAA uses personnel from other disciplines to conduct investigations, including 2,989 inspectors from its Office of Aviation Safety.

Currently, the FRA relies on just 421 Federal safety inspectors and 160 State safety inspectors to monitor the railroad's compliance with federally mandated safety standards. This Act will increase the number of Federal safety inspectors to at least 800 by fiscal year 2011. The Act makes additional improvements to the FRA, modeled after similar legislation passed by the Committee on Transportation and Infrastructure and subsequently enacted into law that created the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration.

Specifically, the Act: reorganizes the FRA as the Federal Railroad Safety Administration; requires it to consider the assignment and maintenance of safety as the highest priority; creates a new position (or a Chief Safety Officer; requires the Secretary to develop a long-term strategy for improving railroad safety, which must include annual plans and schedules for reducing the number and rates of accidents, injuries, and fatalities involving railroads; improving the consistency and effectiveness of enforcement and compliance programs; identifying and targeting enforcement at, and safety improvements to, high-risk grade crossings; and improving research efforts to enhance and promote railroad safety and performance; requires regular reporting of statutory mandates that have not been implemented and open safety recommendations made by the NTSB or the Inspector General regarding railroad safety; and strengthens transparency in the FRA's enforcement process.

I invite my colleagues to join me and Congresswoman BROWN, Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, in our efforts to improve rail safety by cosponsor this important legislation and working together to ensure its swift passage.

LEGISLATION ON THE DISPOSITION OF THE OAK HILL JUVENILE DETENTION CENTER

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SARBANES. Madam Speaker, I rise today to introduce legislation addressing the disposition of the Oak Hill Juvenile Detention Center in Anne Arundel County, Maryland. Senators CARDIN and MIKULSKI have introduced identical legislation in the Senate.

There is consensus that the current Oak Hill facilities must be shut down. They are aging and dilapidated and not properly configured to provide rehabilitative services to the youth residing there. The legislation I introduce today would ensure that this facility is closed and a new, more modem facility is built in the District of Columbia so that residents can be loser to their families.

HONORING UCSB, WINNER IN THE NATIONAL WILDLIFE FEDERATION'S CAMPUS ECOLOGY 'CHILL OUT' CONTEST

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mrs. CAPPS. Madam Speaker, it is with great pride that I rise today to honor the University of California, Santa Barbara, which is located in my district. UCSB was recently named a winner in the National Wildlife Federation's Campus Ecology ''Chill Out'' contest, a competition that recognizes colleges and universities nationwide that are implementing innovative programs to reduce the impact of global warming. UCSB was one of eight universities chosen to receive the award from over 100 entries.

This prestigious award was given to UC Santa Barbara for its efforts to become a carbon-neutral campus through energy conservation. The project started in 2005 when students from the Bren School of Environmental Science and Management created a Master's group project entitled ''Campus Climate Neutral.'' At a public university dealing with tightening budgets, energy conservation emerged as a solution that would both lower the school's environmental impact and cut expenditures for purchased utilities.

UC Santa Barbara has found ways, through ingenuity and imagination, to provide increased space for research, education and living, while limiting the school's environmental impact. I continue to be proud of UCSB's numerous environmental and academic accomplishments, and encourage them to continue in their noble goal of reducing the campus's greenhouse gas emissions.

Go Gauchos!

TRIBUTE TO PAUL E. DWYER OF CRS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay tribute to one of the Congressional Research Service's (CRS) finest employees; Paul E. Dwyer, who will retire on May 3, 2007, from his position as Specialist in American National Government after a distinguished career of 39 years service to Congress and the Nation.

A native of Texas, Paul Dwyer received a Bachelor of Arts in History and Political Science from Baylor University, in Waco, in 1967, and went on to earn a Masters in Political Science from George Washington University, here in Washington, in 1968. While finishing his course work at GW, Paul worked part time in the office of Congressman W. R. (Bill) Poage, one of the legendary Texans who served with such distinction in the House of Representatives in the 20th century. Paul's work experience on Capitol Hill convinced him to enter the profession of public service, and he applied for a position with what was then known as the Legislative Reference Service shortly after graduation. He began his career at the Library of Congress, on October 8, 1968 as analyst in American National Government.

Paul Dwyer began his CRS career with the basics—his first years constituted an apprenticeship during which he received assignments in a wide range of policy issues. He identified and progressively mastered the sources of information needed to respond to requests for information and public policy analysis by Members and committees of Congress and their staff. This was in the pre-internet era, when the instant desktop availability of information resources was a futuristic dream, and research often meant hours of digging for obscure sources in the Library's great collections, in other libraries, executive branch agencies, the National Archives and non-governmental organizations, as well. It took dogged persistence, careful organizational skills, plenty of shoe leather, and a limitless supply of number two lead pencils to do the work.

It was during this period that Paul also had an active role in supporting Congress as this body investigated the greatest political scandal in 20th century American history—Watergate—and undertook the ensuing impeachment inquiry that led to Richard Nixon's resignation as President of the United States. Paul served on the CRS teams that provided assistance to the Senate Select Committee on Presidential Campaign Activities, Senator Sam Ervin's famous ''Watergate Committee.'' He and his colleagues again provided invaluable assistance to the Judiciary committee of this House of Representatives as it pursued its impeachment inquiry. CRS added further laurels when it provided crucial information on the nominations of Gerald R. Ford and Nelson A. Rockefeller as Vice President, the historic first implementations of Section One of the 25th Amendment. These were, to borrow from Doris Kearns Goodwin, ''no ordinary times,'' and Congress came to depend again and again on the accuracy, dedication and professional skill of the Congressional Research Service and staff members like Paul Dwyer.

Paul Dwyer's research portfolio was broad in those years, and included many diverse areas, including presidential elections and the Electoral College, the presidency and presidential terms of office, American political history, U.S. political parties, and voting trends in Congress, to name a partial list. Beginning in the early 1970s, Paul moved into the area for which he would become justly respected throughout Congress and the Capitol Hill community. He learned and mastered the many elements of the internal governance of the Congress and its supporting agencies and organizations. His areas of unquestioned expertise include an intimate knowledge of the legislative branch budget in all its many ramifications; salaries, benefits and retirement programs for Members of Congress and their staff; congressional support agency budgets; contingent expenses in both the House and Senate; Member memorials; committee funding; the Capitol Visitor Center, and the all-important area of Capitol security and the safety of those who work in the Capitol Complex, and the millions of citizens who visit the Hill every year.

He has become the ''go-to'' staff person at CRS on the legislative budget, where the depth and breadth of his knowledge, his attention to detail, judgment, and perspective are universally recognized. This trust has been well-earned—Paul has worked professionally and amicably with Members and staff of both political parties, and is respected by all his clients. The House Committee on House Administration, the Senate Committee on Rules and Administration, and the legislative branch appropriations subcommittees of both chambers have benefited from his keen analytical skills. He has worked closely with the office of the Architect of the Capitol, the Sergeants at Arms of the House and Senate, the Chief Administrative Officer of the House, and the Chief of U.S. Capitol Police. As coordinator of and primary contributor to the CRS annual Report to Congress on legislative branch appropriations sinceits inception, he has provided a valuable source of record for over a decade.

Aside from hundreds, if not thousands, of personal meetings, telephone briefings and email colloquies over the years, the volume and scope of his written work is impressive. He is the author or co-author of 21 active or archived CRS Reports for Congress, and during the 39 years of his career, he has written over 450 additional CRS Reports, Issue Briefs, and confidential memoranda for Congress. On a personal level, in the past decade, he has also provided expert and sensitive mentoring to a new generation of CRS analysts, generously sharing his knowledge and perspective with them, and helping them develop their own interests and expertise.

Paul's fine work and dedication first came to my attention soon after I was appointed Ranking member of the Committee on House Administration in 2003. As the Representative from the Nation's insurance capital, Hartford, and as the former owner of an insurance company, I wanted to be sure that the House was getting the maximum possible advantage from the money spent on insurance and other benefit programs for members and staff. Paul quickly assembled a team of CRS experts from the various CRS divisions which were assigned to cover these issues to bring me, the Committee staff, and the other members of the Committee up to speed on the programs and helped us analyze their merits. Paul was also an invaluable resource for us when we were dealing with the myriad of other issues which came before the Committee, especially the funding of the other House committees. He has also played an instrumental role in helping to write the story of the Committee, which was one of my first requests of CRS upon becoming Ranking member. Paul has continued to be a primary resource for me in my new position as Vice Chair of the Democratic Caucus and has provided me with superior reports and memos on member compensation, Legislative Branch appropriations, and the duties of the House officers, to name a few. While I wish Paul well in his retirement, my staff and I will certainly miss his prompt and thorough responses for research and information.

Paul Dwyer has been recognized by CRS and the Library of Congress again and again for the quality of his work. His performance evaluations routinely noted his commendable and outstanding level of performance. He has been honored with 13 Library of Congress Special Achievement Awards during his career.

In a sense, Paul's career coincides with the era in which CRS came to maturity, evolving, under congressional guidance and stewardship, into the world's finest legislative policy institute, the envy of world parliaments and our

own executive branch, and the close adviser and trusted resource of the United States Congress. Paul exemplifies the best characteristics of this tradition: knowledge, perspective and judgment, and a commitment to providing Congress with information and analysis that is correct, complete, balanced and non-partisan. CRS, Congress, and in the larger sense, the American people, will lose a tireless and dedicated public servant when Paul E. Dwyer retires. Madam Speaker, I would like to urge my colleagues to join me in thanking Paul for his 39 years of exemplary service, and in offering him every good wish as he begins his retirement.

IN MEMORY OF MATTHEW GREGORY GWALTNEY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FORBES. Madam Speaker, I rise today in memory of Matthew Gregory Gwaltney, who was tragically killed in the recent attack at Virginia Polytechnic Institute and State University, on April 16, 2007.

Matthew was known for his deep love for his family and friends and for his cheerful disposition. Having graduated Magna Cum Laude with a Bachelor's degree in Civil Engineering from Virginia Tech in 2005, Matt was just weeks away from graduation day where he was receiving his Master's degree in civil and environmental engineering. Matt was an honors student devoted to learning and eager to improve human awareness of the environment and the overall quality of life. His high school teachers and college professors alike regularly praised his outstanding character and loyalty to those he loved.

Matt's family and friends also knew him as an avid sports fan. As a high school basketball player, Matt was not only acknowledged by his teammates as a dedicated player, but as a close friend. Matt maintained those close relationships even as he went away to college and later began his graduate program. At Virginia Tech, Matt regularly built and maintained friendships around sports through games of pick up basketball, and impressed many with his abundant knowledge of sports facts. It is said that his favorite place at Virginia Tech was Cassell Coliseum and that Matt never missed a Hokie football game.

Although Matt's time with us has ended all too soon, I know that his love for his family and friends and commitment to learning will inspire many in years to come. Matt has left a legacy within his generation that will not soon be forgotten.

IN HONOR OF DR. ARTHUR J. AMMANN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. McDERMOTT. Madam Chairman, it is a privilege and a great personal pleasure to join in honoring my old friend and classmate, and a great humanitarian leader, Dr. Arthur J. Ammann. Art's selection as Alumnus of the Year at Wheaton College will stand as one of the defining moments in the proud and distinguished history of this institution, because it recognizes a compassionate, courageous man who has made a world of difference in our world.

As young Wheaton College students, Art and I lived the vow of poverty, as do college students everywhere. One of my most cherished memories is Art inviting me to join his family in Brooklyn, New York, during a holiday. Suffice to say that was the first time I had ever been to Brooklyn, and the visit opened the eyes of this young, naive suburban Chicago kid, teaching me that we all share the same hopes, dreams and aspirations for a brighter tomorrow, no matter our surname or address.

The Bible and this institution call upon us to live the teachings of the Lord, and there is no better example of living Christianity than Art Ammann. He began his professional career—as did I—by taking an oath to use all of his powers to heal the sick. While the oath comes from the Greek philosopher Hippocrates, the faith to heal comes directly from the Bible: ''My son, attend to my words; incline thine ear unto my sayings. Let them not depart from thine eyes; keep them in the midst of thine heart. For they are life unto those that find them, and health to all their flesh. Keep thy heart with all diligence; for out of it are the issues of life.'' (Proverbs 4:20–23)

Art is a brilliant physician who has focused his intellect on healing children and finding a cure for the HIV/AIDS pandemic that has claimed so many lives and robbed so many nations of an entire generation. While my old friend is far too modest to seek recognition, the truth is, without Art the death toll would be higher and hope for a cure would be lower. It was Dr. Arthur Ammann's pioneering research in the early 1980's, before the world knew of this terrible disease, that identified two of the three ways HIV is transmitted, and it was Art who first diagnosed the HIV infection in children.

As a man of unwavering courage, compassion and conviction, Dr. Arthur Ammann did not confine his leadership exclusively to the field of medical research. Over the years, Art has served his community and country in preeminent roles such as the Presidential Task Force for AIDS Drug Development, and he has been honored many, many times. This prodigious man of science has authored or coauthored, quite literally, hundreds of books and scientific articles, and he didn't hesitate when asked to guide Wheaton College as it prepared its response to the HIV/AIDS crisis.

As a visionary scientist and yet a humble servant of the Lord, Dr. Arthur Ammann always has plowed the fruits of his labor back into the soil, so that it might nourish, protect and save others. Art founded Global Strategies for HIV Prevention 10 years ago. It quickly has become a widely respected non-profit organization, dedicated to preventing the spread of HIV/AIDS, and supplying life-saving medicine to women and children worldwide. How purely this work reflects the words of the Bible: ''. . . Blessed are the merciful: for they shall obtain mercy. Blessed are the pure in heart: for they shall see God. Blessed are the peacemakers: for they shall be called the children of God . . .'' (Matthew 5:3–11)

Dr. Arthur J. Ammann has spent a lifetime displaying the strength of a lion, a heart of gold, and a spirit of living life according to the teachings of Jesus. His wife, Marilyn, and his children, Kimberly and Scott, have long known what many now will understand: Dr. Arthur J. Ammann is a good man, who does the Lord's work for the sake of peace and humanity. My friend Art Ammann is an uncommon man who renews our faith by the way he lives his faith.

Best wishes and congratulations to Dr. Arthur J. Ammann, the 2007 Wheaton College Alumnus of the Year for Distinguished Service to Society.

HONORING PATROLMAN MICHAEL NORBY OF THE SOUTH BEND POLICE DEPARTMENT

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, today I honor a brave man who has served his country in the military and his community as a patrolman in the South Bend Police Department. Patrolman Michael Norby put his life at risk in the execution of his duty. In the early morning of April 24, 2007, he and his partner, Corporal Nick Polizzotto, confronted an armed suspect. Both officers were shot; Corporal Polizzotto died and Patrolman Norby was injured. The two officers responded to a report of gunshots without regard for their own safety, only the safety of the community.

During his one and a half years on the force, Michael has received three commendations. Prior to his service on the police force, he served with the United States Army in support of Operation Iraqi Freedom earning the Army Commendation Medal, Army Achievement Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal, ''M'' Device Award and Noncommissioned Officer's Professional Development Ribbon.

Madam Speaker, I commend the men and women who dedicate their lives in the service of others, particularly Patrolman Norby, to whom we owe deep gratitude.

RECOGNIZING BELLS FOR PEACE, INC.

HON. ROBERT C. ''BOBBY'' SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to recognize Bells for Peace, Inc., a non-profit, charitable organization founded within my district in Richmond, Virginia. Bells for Peace is dedicated to enriching the history of Virginia Union University by restoring the University's prominent cornerstone, the Belgian Friendship Building and its Vann Memorial Tower.

Bells for Peace was founded on December 8, 2004 in Richmond, Virginia by Mrs. Diane Watkins, its current President. The organization was created in memory of the late Dr. John Malcus Ellison, Sr., the first African American President of Virginia Union University, and his wife, Mrs. Elizabeth Balfour Ellison. Dr. Ellison was dedicated to bringing peace and unity to the cultural divide within

this country, and he believed a multi-cultural education could be used to achieve this. Bells for Peace is an effort to carry on Dr. Ellison's life's work.

As part of this effort, Bells for Peace hopes to install a 35 bell carillon in the University's empty Vann Memorial Tower, which sits atop its Belgian Friendship Building. In 1939, the Belgian Government presented the Friendship Building and Tower to Virginia Union in a gesture of international goodwill. The Friendship Building had been the centerpiece of the Belgian Pavilion at the 1939 World's Fair in New York. However, prior to presenting the structure to Virginia Union, the Belgians removed the bell carillon and awarded it to President Herbert Hoover. President Hoover gave the carillon to his alma mater, Stanford University, where the bells now ring at the Hoover Institution of War and Peace.

The Belgian Government selected Virginia Union for the gift from 27 colleges that desired the Friendship Building and Tower. Virginia Union was selected because of its location, history, and mission. Where better to place a symbol of peace, hope, and unity than in Richmond, Virginia, the former capital of the Confederate states that nearly burned to the ground when the Southern troops fled the city. Where better than on a campus that was first located in a rented structure known as Lumpkin's Jail, a former slave holding pen. And where better than at a University that was born of several small colleges dedicated to the dignified education of African Americans, while struggling against post-Civil War prejudice. In 1899, these colleges joined together in a ''union'' that opened its doors as Virginia Union. The Belgian Government recognized this significant history and felt that its ''Friendship Building'' would be best served on the shores of the James River in Richmond.

Following the Belgian Government's decision to give the structure to Virginia Union, Dr. John Malcus Ellison single-handedly raised $500,000 in donations to transport and re-construct the Friendship Building on the Richmond campus. Shortly thereafter, the Friendship Building was used by the U.S. Armed Forces as the Eastern Virginia induction site for soldiers going off to fight in WWII. It was within this building that thousands of African American soldiers were processed into the military. It was also through this building that the late Vice Admiral Samuel L. Gravely frequently passed. Vice Admiral Gravely, a Virginia Union graduate, was the first African American to achieve the rank of Admiral and command a Naval fleet.

Because of its remarkable history, the Belgian Friendship Building has been designated a United States National Treasure and Virginia Historical Landmark, but its majestic tower, which can be seen from many vantage points in the Richmond community, remains empty and silent. Bells for Peace, in its quest to obtain a new carillon for the Vann Memorial Tower, hopes to change that. Bells for Peace is also working to restore the aged and worn Friendship Building, so that it may become a top-quality facility for students pursuing a multi-cultural education.

Through its restoration efforts, the organization has brought much deserved attention to this historical landmark and highly respected Virginia Union University. Bells for Peace calls on people to recognize the importance of an international ''Friendship'' building and symbol of peace, hope, and unity erected at a historically black college; a college known for its multi-cultural studies and graduates who have made contributions to communities around the world. Bells for Peace calls on people to remember the legacy of Dr. John Malcus Ellison, who not only helped bring the Friendship Building to Virginia Union, but also helped established the University's reputation for excellence in education.

Madam Speaker, today it is my privilege to recognize Bells for Peace and commend it for its admirable mission. I also wish the organization great success in restoring the Belgian Friendship Building and filling the belfry tower with a carillon of bells that can be enjoyed on the Virginia Union campus and in the Richmond community, and symbolically heard in communities around the world.

RECOGNIZING DAISAKU AND KANEKO IKEDA FOR THEIR INTERNATIONAL ACHIEVEMENTS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize the contributions to our community and the international achievements of Daisaku and Kaneko Ikeda. Daisaku Ikeda is the President of Soka Gakkai International (SGI), a Buddhist association of approximately 12 million members in over 180 countries, including members throughout the United States and in my home district of Guam. The Ikedas have dedicated their lives to the promotion of international peace, the protection of religious freedom, and the safeguarding of fundamental human rights. Soka Gakkai International was formally established on January 26, 1975 in a ceremony on Guam which was attended by representatives from around the world. Guam has since welcomed this organization and its leaders on various occasions and we continue to value our friendship with the Ikedas and Soka Gakkai International members.

Daisaku Ikeda's leadership has been recognized by many international organizations. He was awarded the United Nations Peace Medal, the Simon Wiesenthal Center's International Tolerance Award and the Rosa Parks Humanitarian Award. Daisaku Ikeda is the founder of numerous educational and cultural institutions in Japan and the United States. He founded the Tokyo Fuji Art Museum, the Min-On Concert Association, the Boston Research Center for the 21st Century, and the Toda Institute for Global Peace and Policy Research. A prolific writer and poet, Daisaku Ikeda has published more than 200 works in more than 25 languages, all in his effort to promote peace and international understanding. He has been conferred over 200 honorary degrees from universities throughout the world.

Kaneko's partnership with Daisaku began with their marriage on May 3, 1952, and since then, they have been a dynamic team that mutually supports each other's work. Kaneko Ikeda shares her husband's philosophy and his drive to work for the benefit of all people. She has been commended for her work in the field of education and the humanities and as a proponent and ambassador for peace. She has been recognized for her good work by being named an honorary citizen of Italy, Switzerland, Brazil, Argentina, Bolivia, the Republic of Korea, New Zealand, and Australia.

Daisaku and Kaneko Ikeda have dedicated their lives to the advancement of mankind and the promotion of peace through the improvement of individual lives. They are powerful advocates of social change and goodwill ambassadors for all of humanity. The international community has recognized and honored their continuing efforts to advance social justice based on universal values of equality and dignity. They are truly world class citizens whose efforts on behalf of many people, especially those struggling for human rights, should be recognized. Today we commend them for their lifetime of humanitarian work and we congratulate them on their fifty-fifth wedding anniversary. We commend them as leaders of Soka Gakkai International for their contributions to the international community and to the local communities in our Nation where their members are making individual contributions for peace and freedom.

4TH ANNIVERSARY OF THE SPEECH PRESIDENT BUSH GAVE ON THE DECK OF THE U.S.S. ''ABRAHAM LINCOLN''

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. VAN HOLLEN. Madam Speaker, today marks the 4th anniversary of the speech President Bush gave on the deck of the U.S.S. *Abraham Lincoln* in which he told the American people that hostilities in Iraq and Afghanistan were over.

Standing under a broad ''Mission Accomplished'' banner, the President congratulated Defense Secretary Rumsfeld for a job well done and declared Iraq free and the Taliban and Al Qaeda in Afghanistan destroyed.

Like many Americans, the image of the President under that banner 4 years ago still stands out because each passing year is a reminder that the mission has not been accomplished, Iraq is not a safer place, and neither the Taliban nor Al Qaeda have been destroyed.

The President and his advisors try to distract the public with evocative images and declarations about success in Iraq and Afghanistan. But no amount of spin can disguise the harsh reality of the desperate situation on the ground.

On that day 4 years ago, when the President declared an end of hostilities, there were 142,000 American soldiers in Iraq. Today there are 155,000. On May 1st, 2003, there had been 138 American casualties and 542 wounded in Iraq. Today the number of casualties is 3,351 and the number of wounded is 25,090.

The Iraqi people have also paid a dear price during this war. Though exact numbers are difficult to find, the estimated number of Iraqi civilians killed by violence since May 2003 is between 53,000 and 63,000. One controversial study in 2004 estimated that as many as 655,000 have been killed. Today the President had an opportunity to change direction in Iraq and begin to bring the war to an end. He squandered that opportunity.

The Congress sent the President a bill that would hold Iraqis accountable for taking the steps necessary to achieve political reconciliation and greater stability. The bill also provided additional funding to go after Osama bin Laden, the Taliban and Al Qaeda. By vetoing the bill, the President missed an opportunity to change direction in Iraq and finish the job in Afghanistan.

The situation in Afghanistan remains grim. On this day 4 years ago, the President told the American people, ''In the Battle of Afghanistan, we destroyed Al Qaeda and the Taliban.'' In speech after speech, Defense Secretary Donald Rumsfeld and other senior U.S. officials claimed that Al Qaeda had been routed.

But the reality is that 4 years after the U.S. invasion, the Taliban have regrouped and remains a serious threat. In fact, a new Jihadist sanctuary appears to be emerging on the Afghan-Pakistan border.

By almost any metric, whether it is the number of Iraqi schools being built or the number of Afghan roads secured, it is clear that the mission in Iraq and Afghanistan is far from accomplished. But it is also clear that Americans no longer have the patience for impressive photo ops and overblown pronouncements about completed missions. The American public wants achievable goals and quantifiable results—not slogans.

A TRIBUTE TO OLIVER WHITE HILL

HON. ROBERT C. ''BOBBY'' SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to celebrate the 100th birthday of Oliver White Hill, who dedicated his life and legal talents to making the City of Richmond, the Commonwealth of Virginia, and this entire country a place of promise and opportunity for all. Mr. Hill used his legal talents to bravely confront and help eradicate decades of racial inequality and injustice.

Oliver White Hill was born Oliver White in Richmond, Virginia. After his mother remarried, the Hill family moved to Washington, DC, where Oliver White Hill graduated from the legendary Dunbar High School. Mr. Hill went on to earn his undergraduate degree from Howard University, and then attended Howard University's Law School, where, as destiny would have it, he was a classmate, rival in academic achievement, and close friend of Thurgood Marshall. Upon graduating in 1933, second in his class only to the future Supreme Court Justice, Mr. Hill spent his early years as a civil rights attorney in Richmond, Virginia.

It was there that Mr. Hill grudgingly worked within the confines of the separate-but-equal framework of Plessy v. Ferguson, but he fought hard for better pay, full access to transportation, and better educational facilities for African American teachers and students. In fact, in 1940, working with civil rights legal stalwarts Thurgood Marshall, William H. Hastie, and Leon A. Ranson, Mr. Hill won his first of many landmark cases in Alston v. School Board of Norfolk, Va. In Alston, the Fourth Circuit Court of Appeals ordered equal pay for black and white teachers within Norfolk's school system. Despite the decision, Mr. Hill was not completely satisfied as race barriers remained, and, as he once said, ''I went to law school so I could go out and fight segregation.''

That fight would have to wait. Oliver White Hill joined the Army in 1943 and admirably served his country in the European Theatre in World War II. After a distinguished military career, Mr. Hill immediately began to fight for democracy on a different front—back in the courts against racial discrimination.

Soon after his return, Oliver White Hill won the right for equal transportation for Black school children in the Virginia Supreme Court. But once again, he was not satisfied with this ''separate-but-equal'' victory. The course of history was about to change, however, as Mr. Hill partnered with another civil rights legal legend, Spottswood Robinson III, in 1948.

Together, Mr. Hill and Mr. Robinson brought dozens of civil rights lawsuits against school districts throughout the State of Virginia, with as many as seventy-five (75) cases pending at one time. By some estimates, Mr. Hill and Mr. Robinson brought more lawsuits than the total filed in all the other Southern States during this era.

Despite the burning of a cross in his front yard and despite almost daily threatening telephone calls to his home, Mr. Hill persevered. In 1951, undeterred and emboldened, Oliver White Hill and Spottswood Robinson decided to move beyond ''separate-but-equal'' and attack segregation head-on.

That year, Mr. Hill and Mr. Robinson shouldered the cause of the African American students at the all-black R.R. Morton High School in Farmville, VA, who had walked out of their leaking, poorly heated classroom building. The resulting desegregation lawsuit, Davis v. County School Board of Prince Edward County, was one of several cases decided collectively as Brown v. Board of Education by the U.S. Supreme Court in 1954.

While Oliver White Hill is best known as the fierce, tireless civil rights litigator who helped bring to a close America's segregation-era, his involvement in the community went beyond the courtroom. In 1949, he became the first African American elected to the Richmond City Council since Reconstruction. In the early 1960s, Mr. Hill served as Federal Housing Commissioner in the Department of Housing and Urban Development. In addition to his local and Federal government posts, Mr. Hill served as an officer or member on the boards of many organizations, including the National Legal Committee of the NAACP, the National Bar Association, the Southern Conference for Human Welfare, the Virginia State Bar Bench/Bar Relations Committee, and the Old Dominion Bar Association, which he co-founded.

For his decades of dedication to the law and accomplishments in the field of civil rights, Oliver White Hill has earned many accolades, including the ''Lawyer of the Year Award'' from the National Bar Association in 1959, the ''Simple Justice Award'' from the NAACP Legal Defense Fund in 1986, and the ''Justice Thurgood Marshall Award'' from the American Bar Association in 1993. In 1999, President Clinton awarded Mr. Hill the highest honor the nation can bestow, the Presidential Medal of Freedom. A year later Mr. Hill received the American Bar Association Medal, the National Bar Association ''Hero of Law Award,'' and the ''Harvard Medal of Freedom'' for his role in the landmark Brown decision. Most recently, in 2005, Mr. Hill was awarded the NAACP's highest honor, the Springarn Medal.

In 2000, several legal admirers founded the Oliver White Hill Foundation. The Foundation encourages young lawyers to become advocates in the field of individual rights and liberties and to carry on Mr. Hill's civil rights work. Lawyers inspired by the Foundation work with the hope that discrimination based on race, gender, national origin, sexual preference, and religion will ultimately be abolished, just as Mr. Hill has spent his life hoping for and working towards.

Madam, Speaker, I offer my congratulations to Oliver White Hill and pay tribute to him for being one of history's most important civil rights legal pioneers.

CONGRATULATING MR. BILL MULLICAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Bill Mullican of Lubbock, Texas on his recent appointment to the National Advisory Council for Environmental Policy and Technology (NACEPT).

Mr. Mullican was appointed to the NACEPT by the U.S. Environmental Protection Agency Administrator, Stephen Johnson, on April 23, 2007. The Council is comprised of outside experts representing diverse interests from academia, industry, non-governmental organizations, and state, local and tribal governments. The U.S. Environmental Protection Agency (EPA) established the NACEPT for the purpose of providing expert advice to the EPA Administrator on a wide array of environmental policy, technology, and management issues. Due to his vast knowledge of water development policies and issues, Mr. Mullican will prove to be a valuable asset to the NACEPT.

A native of Lubbock, Texas, Mr. Mullican graduated from Texas Tech University with a

B.S. degree in Broadfield Science Education, and later an M.S. in Geology. From 1983 to 1997 he was Research Associate at the Bureau of Economic Geology at the University of Texas at Austin. Later that year, Mr. Mullican began his career at the Texas Water Development Board, first serving as Director for Water Resources Planning, then as Deputy Executive Administrator for the Office of Planning. While serving as Deputy Executive Administrator, his areas of responsibility included water data collection, environmental programs, and research and planning fund management. As a leading authoritative figure for state water planning, Mr. Mullican assists other States such as California, Illinois, Indiana, Oklahoma and Pennsylvania in establishing statewide water planning initiatives.

It is with great honor that I recognize Mr. Bill Mullican for years of hard work and dedication. As a citizen of Texas, I am truly grateful that he has continuously taken a proactive role in our water development. I am pleased to join his friends, family and colleagues in congratulating him on this prestigious milestone.

OAK PARK HIGH SCHOOL ACE MENTOR PROGRAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly rise to honor four outstanding individuals, Chris Avery, Clint Coffelt, Anh Nguyen, and Steven Yung who competed and finished in third place in the Ace Mentor/Construction Industry Round Table 2007 Design Competition Awards Program, representing Oak Park High School. The Oak Park team designed a small sports complex that would offer an opportunity for kids and young adults to escape the local streets.

The ACE mentor program was designed to help high school students who are interested in careers in architecture, construction, or engineering. Students are introduced to the various design professions and the role that each performs in planning, designing and constructing a project. Students in this program gain firsthand insight into the design industry by touring project offices, visiting active construction sites, and by working closely with their mentors on ''real world'' projects.

Also, I want to recognize the great leadership of the team including Amy Light, the math and science coordinator for the North Kansas City School District. It is also important to acknowledge the parents, family, mentors and friends who have helped these students succeed in their academic efforts.

Madam Speaker, I ask you to join me in congratulating the Oak Park High School Ace Mentor Team on their achievements and wish them the best of luck in their future academic endeavors. It is an honor to represent this team in the U.S. Congress.

INTERNET GAMBLING

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. PAUL. Madam Speaker, I am pleased to support H.R. 2046, the Internet Gambling Regulation and Enforcement Act. Last year, a ban on internet gambling was snuck into a port security bill. This ban on internet gambling is an outrageous affront to individual freedom. H.R. 2046 restores respect for the right to patronize internet gambling sites as long as the sites follow certain Federal laws. The bill does not create new Federal laws, and it respects the authority of States and Native American tribes to regulate gambling. I hope all my colleagues will join me in cosponsoring this bill and restoring respect for the American people's right to decide for themselves whether or not they gamble online.

SUPPORTING THE GOALS OF EQUAL PAY DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of ensuring equal pay for equal work for all Americans.

Since 1963, when President Kennedy signed the Equal Pay Act into law, women have made significant strides in the workplace. However, there continues to be a wage gap, and in 2006, women earned 77 cents for every dollar earned by men. A new study by the American Association of University Women finds that just 1 year out of college women are earning only 80 percent of what men earn, and by 10 years after graduation the gap has widened and women are making only 69 percent as much as men.

More than 40 years after the Equal Pay Act was signed into law, a woman has to work nearly 16 months to earn an amount equal to the amount a man earns in just 12 months. This gap results in $250,000 in lost wages over the course of the average woman's life. This wage gap not only affects a woman's current income, but often means she will have less money available to her in retirement. For women of color the pay disparities are even greater—African American women earn 71 percent and Latinas earn 58 percent of what their male colleagues earn.

The gender wage gap is not just a women's issue, it is an issue that affects the strength of our families and our communities. This is why I am a cosponsor of the Paycheck Fairness Act to strengthen the Equal Pay Act of 1963 to provide for equal rights in pay regardless of a person's sex, race or national origin. This legislation should be a priority for the 110th Congress.

It is long past time to close the gender pay gap. I urge my colleagues to join me in working to eliminate these unjust pay disparities.

RECOGNIZING THE NEED FOR DIPLOMATIC DIALOG WITH CARIBBEAN NATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the CaribNews newspaper the week ending March 20, 2007 titled ''Caribbean-U.S. Summit In Washington: A Photo-OP or Meeting Of Substance, Only Time Will Tell.'' As well as, an article written by Tony Best, appearing the same week in the CaribNews paper, entitled ''Caribbean Leaders and President Bush to Meet; In Washington, In June, U.S.-Caribbean Relations, Economic Development, Trade To Be High On Agenda.'' Both articles comment on the Administration's sudden interest with the Caribbean nations in the Western Hemisphere.

The White House has invited the leaders of the Caribbean nations (CARICOM) to a dialog regarding strengthening relationships between these countries and the United States. I am glad to see the Administration is reaching out to our Western Hemisphere neighbors, since these relations have been neglected far too long, making the U.S. an increasingly isolated nation among Western Hemisphere states and placing CARICOM-U.S. relations at an all time low.

It is imperative that the United States find a way to pragmatically assess and be responsive to the social and economic challenges facing our neighbors in accordance with Washington's long-term political interests, since the region is often described as our ''Third border.'' CARICOM leaders have accepted Washington's invitation and are interested in addressing trade issues, as well as competitiveness and investment in mutually beneficial ways.

In addition, CARICOM leaders during their visit to Washington will be reaching out to the members of Congress most interested in and with the jurisdiction over the issues affecting the Caribbean and the members of the Diaspora here in the United States.

As we continue to strengthen our national economy and improve our standing in the international community it is important that we devote serious attention to strengthening U.S. relations throughout the Western Hemisphere.

CARIBBEAN LEADERS AND PRESIDENT BUSH TO MEET IN WASHINGTON IN JUNE, U.S.-CARIBBEAN RELATIONS, ECONOMIC DEVELOPMENT, TRADE TO BE HIGH ON AGENDA

(By Tony Best)

Caricom leaders are going to the White House in June to meet with U.S. President George W. Bush.

And the invitation list are to Presidents and Prime Ministers, ranging from St. Vincent's Prime Minister, Dr. Ralph Gonsalves, who is the current Chairman of Caricom, Haiti's Rene Preval, Guyana's Bharrat Jagdeo, Jamaica's first female leader, Portia Simpson Miller, and St. Lucia's Sir John Compton, to Trinidad and Tobago's Patrick Manning, Antigua's Baldwin Spencer, his counterpart in St. Kitts-Nevis, Dr. Denzil Douglas, and Grenada's Dr. Keith Mitchell, not to mention Barbados' Owen Arthur, the Bahamas' Perry Christie, Dominica's Roosevelt Skerrit and Suriname's Ronald Venetiaan.

In short, quite unlike the invitations, which the White House sent out to a handful of Caribbean leaders a few years ago to sit down with President Bush over breakfast, a glaring attempt to snub those countries, which opposed the invasion of Iraq, all of Caricom's heads of government are to be invited this time around.

Although President Bush has met with a few of the region's leaders from time to time, the upcoming summit will be the first of its kind in Washington with Caribbean Prime Ministers and Presidents since Bush took office.

It is being arranged at a time when the Bush Administration is under fire throughout the Western Hemisphere for virtually ignoring Caribbean and Latin American economic and social issues.

It is scheduled for June 21 when many of the Caribbean leaders are due in Washington for the U.S. Conference on the Caribbean. While the White House agenda has not been finalized, diplomatic sources say trade, investment, economic and social development and U.S. role in the Western Hemisphere may be discussed.

It is not yet known how many of the Prime Ministers and the Presidents would attend the conference or accept the invitation to the White House session.

''It's too early to indicate what will be discussed at the conference but it is our expectation that most if not all of the Prime Ministers and Presidents as well as the foreign Ministers will be traveling to Washington for the conference,'' Elsworth John, St. Vincent's Ambassador in Washington and coordinator of the conference told the New York Carib News.

But Michael King, Barbados' Ambassador to the U.S., pinpointed a few issues, which might be discussed during the Caribbean conference.

''We are hoping that all 15 heads of government will attend from our region,'' said King. ''The conference is going to look primarily at three or four issues, mainly the strengthening of the relationship between the U.S. and Caricom with a view to addressing the priority areas for the Caribbean's future growth and development. We will be looking at such issues as trade, competitiveness and investment in mutually beneficial and reinforcing ways. Obviously, we would be looking at deepening and broadening the dialogue between the Governments and peoples of Caricom and the United States.''

John said that when Caricom leaders met recently in his country under the Chairmanship of Dr. Ralph Gonsalves, St. Vincent's Prime Minister, they approved the broad outlines of the conference and approved the summit with President Bush.

''The conference was discussed at the recent Caricom Heads of Government Conference held in St. Vincent & the Grenadines.

The Heads of Government meeting signed off on the conference and supported the program as it was structured,'' he explained. ''The meeting with President Bush is scheduled for the Thursday, the final day of the conference which begins on June 19th and ends on the 21st. It will be at the White House.''

Dr. Gonsalves, current Chairman of Caricom, has already urged the region's leaders to ''clear their calendars for that particular time'' so they could participate in the conference and the meeting with President Bush, said John.

The conference will be part of the celebrations marking Caribbean Heritage Month that is being observed across the United States in June to underscore the contributions of Caribbean immigrants and the countries themselves to America's prosperity.

After much prodding, President Bush last year signed into law a Bill that designates June as Caribbean Heritage Month and West Indians in such places as New York, Washington, Miami, California, Boston, Philadelphia and Baltimore are planning a variety of cultural, economic, religious and other social events to draw attention to the region.

''Caribbean Heritage month is important to all of us,'' said King.

John put it differently.

''This conference comes at a time when the United States is beginning to show a lot more interest in its relationship with this Hemisphere,'' he said.

''This conference came out of a meeting between the U.S. Secretary of State, Condoleezza Rice, and the foreign ministers from the Caribbean where it was decided that it would be a good idea for the leaders from the Caribbean to come to Washington to meet with the President in a summit and the Foreign Ministers to meet with the Secretary of State.

But the plans go beyond Caribbean and U.S. Government officials sitting down and talking about political and economic issues.

''We felt that it was an opportune time for us to have a people to people connection, seeing that there are so many people from the Caribbean in the Diaspora,'' John added. ''In addition, we want to establish closer links between the businesses, the private sector from the Caribbean and the United States. What we are doing is to proceed on all of those fronts in our preparations for the conference.''

Hence, sessions on the Diaspora, the private sector and culture and a meeting with key Congressional leaders, including Congressman Charles Rangel, Chairman of the powerful Ways and Means Committee.

''We are in the process of having consultations with the State Department on exactly what the content of the discussions will be,'' said John.

The World Bank, the Inter-American Development Bank and the Organization of American States are also being consulted on the plans for the different sessions.

Mr. Bush is winding up a week long tour of Latin American nations where he was met with demonstrations and criticisms from thousands of citizens who oppose the Bush foreign policy, especially the war in Iraq.

CARIBBEAN-U.S. SUMMIT IN WASHINGTON—A PHOTO-OP OR MEETING OF SUBSTANCE, ONLY TIME WILL TELL

After six years of lost opportunities, the Bush Administration has decided to open the White House doors to all the leaders of the Caribbean whose countries form Caricom. What a pity it has taken so long for the United States Chief Executive, George Bush, to do what was right and to come to terms with the realities of the Western Hemisphere in general and the Caribbean in particular.

The invitation to the Presidents and Prime Ministers to a sit down meeting shouldn't simply be a photo opportunity but a chance to open up a meaningful dialogue with countries that have been principled allies of the United States for centuries.

The summit which is scheduled for June 21, the end of a three day U.S. Conference on the Caribbean can be made into a meaningful exercise with sessions, not simply at the White House but on Capitol Hill, with the Congressional Black Caucus and other lawmakers who have the Caribbean's interest at heart. Meetings with the Diaspora and the private sector, all with the goal of advancing the economic and social development of the countries in the region can be useful to the process of bringing people together and helping the region to attain its goals. Although trade, investment, immigration and broad areas of economic and social development are expected to dominate the agenda, it's our hope that the region would resist the temptation to put 30 items on an agenda for a series of short meetings. That has prevented previous meetings from turning out to be productive exchanges of views.

How much better it could have been if the high-handedness of Republicans in and out of the White House and the Congress hadn't been a fact of life for the Caribbean. Only if the Bush Administration and the Republicans in the House and Senate had recognized the importance of treating small countries with dignity and respect, instead of trying to make them feel as if they were Lilliputians that should be ignored.

Presidents Ronald Reagan and Bill Clinton thought it was useful to travel to the Caribbean to exchange ideas and discuss programs and policies with America's neighbor, but not this Chief Executive.

Indeed, Bush behaved in such an unfortunate manner by seeking to snub those countries and their leaders who disagreed with the invasion of Iraq and the resulting debacle that he dissipated so much goodwill. For at a time when Bush should have been making friends with his natural allies he sought to punish many of them by declining to meet with critics of his policy. That pettiness is unbecoming of the most powerful nation in the world.

Tony Blair, the British Prime Minister and Mr. Bush's principal ally in Iraq had the good sense to schedule a meeting in London, invited all of them for a session in London, so they could talk about the way forward, economically and socially for the Caribbean.

That's why Caribbean-U.K. relations are so warm.

The conference and the summit offer Bush and the Caricom heads a chance to address questions of common concern such as Washington's future role in efforts to strengthen economic and trade links within Caricom itself and in the Hemisphere as a whole.

For their part, the Prime Ministers and Presidents can send a strong message to Congress that the unresolved immigration mess, including the deportation of all criminal aliens, regardless of their individual histories, was damaging the Caribbean's social system.

It's important that the dialogue in Washington reaches out to the Diaspora across the United States. With the exception of Trinidad and Tobago, remittances and other forms of assistance from the Caribbean immigrants abroad are a vital source of foreign exchange, so much so that in Jamaica's case they top the list while in others they amount to number two or three. Caricom has paid lip service to the Diaspora, with officials making periodic forays into North America and England but avoiding the creation of any permanent method of communication and follow-up to initiatives that are talked about but allowed to fall by the wayside.

If that problem isn't addressed the conference during Heritage Month would end up as yet another exercise in futility.

In the past, town meetings have been held, presentations by leaders were scheduled and made but afterwards, nothing happened.

For instance, cricket World Cup has started and the promised collaboration with U.S.-based Caribbean firms and other interests have not materialized.

A somewhat similar thing is happening with the Caribbean Single Market and Economy. Caricom as an institution should use this conference to put meaningful and permanent links and establish effectively relationships with the communities that pump more than $2 billion in foreign exchange annually into the economies back home.

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of H. Res. 243, which calls on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience.

Mr. Speaker, as a co-sponsor of this resolution, I am extremely concerned and saddened by the resumption of repressive tactics of the Vietnamese Government. It was only six months ago that the State Department's Office of International Religious Freedom removed Vietnam from its ''Countries of Particular Concern'' list, a list mandated by the International Religious Freedom Act which we passed in 1998. However, despite their removal from this list, the Vietnamese government instead chose to resort to arbitrary arrests and detentions of religious community leaders and human rights activists.

Father Nguyen Van Ly, a founder of the Committee for Human Rights in Vietnam, was arrested for what authorities called, ''conducting propaganda activities to harm the security of state.'' Father Nguyen Van Ly has spent nearly thirteen years in prison for the fight for religious freedom and democracy in Vietnam. Just last month, two prominent Vietnamese human rights attorneys, Mr. Nguyen Van Dai and Ms. Le Thi Cong Nhan, were arrested for ''spreading anti-government propaganda.''

Mr. Speaker, the United States prides itself on the promotion of democracy, good governance, protection of human rights and religious freedom, and the advancement of the rule of law. We cannot look the other way when a ''Most Favored Nation'' is committing the grossest of human rights violations against its citizens. Congress cannot ignore the blatant disregard Vietnam is displaying towards its own people while it continues to detain and silence Vietnamese lawyers, democracy activists, and human rights advocates. As Vietnam aspires to integrate itself with the global economy, I believe it must also understand that the United States and the rest of the world is watching their actions and we condemn their atrocious digression and disregard for the most basic human rights.

NATIONAL MENTORING MONTH 2007

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I speak in support of H. Res. 29, in support of the goals and ideals of National Mentoring Month 2007.

Mentoring is an extremely important responsibility. It provides our youth with positive role models and aspirations for children that might find themselves directionless and without motivation. The benefits of mentoring are unquestioned; it helps with a young adult's individual development, and also prepares the next generation for their role in our community. Needless to say, I am grateful for all the mentors I have had throughout the years.

Some of the other wide ranging benefits of mentoring include improving relationships with parents, peers and teachers; staying motivated and focused on their education; facing daily challenges; exploring new careers and expanding their knowledge.

Research shows that youth who are actively engaged in high quality mentoring relationships show improvement in the areas of self-esteem, academics, and social skills. Those with a strong mentor are more likely to graduate from high school and are less likely than their peers to engage in harmful behavior such as drug or alcohol abuse.

In Eastern Washington, many organizations have undertaken this important task of mentoring. Inland NW Mentoring, based in Spokane, Washington, is a partnership of more than 20 organizations dedicated to a variety of mentoring services. This partnership is a collaboration of non-profits seeking ''to connect people who wish to volunteer their knowledge and experience as mentors.'' I applaud the dedication of this consortium to ensure that tomorrow's leaders are equipped and envisioned through mentoring relationships.

Another institution that over the years provided structure and a goal-oriented education are the Boy Scouts of America. Specifically, in Eastern Washington there are more than 6,700 boy scouts in the Spokane area whose outstanding programs build character, leadership, citizenship and important life skills. The Scout leaders, volunteers and sponsors are making a positive impact on the leaders of tomorrow.

We must also applaud everyone who participates in Children of Promise, an organization that offers positive role models for children who have incarcerated parents. Other important organizations such as Big Brothers and Big Sisters of the Inland Northwest ensure that kids in Eastern Washington have the friend they desperately need.

I would also like to salute the Gonzaga University Campus Kids program, which collaborates with four community elementary schools to provide student mentors to 4th, 5th and 6th graders. It is good for our young adults to be a part of encouraging and supporting those young people coming after them.

H. Res. 29 presents an opportunity to encourage more adults to invest in positive relationships with young people. It is an opportunity for us to say thank you to the many organizations who are already investing their time and energy to positively influence the next generation. Serving this next generation through mentoring will not only provide individual returns, but as a community and a society, we will see the lasting impacts of these important mentoring relationships.

IN RECOGNITION OF BRUCE VANOVEN

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to honor Gibson County Deputy Sheriff Bruce Vanoven for his dedication and valor in the line of duty.

On a July night in 2006, Deputy Vanoven responded to a distress call from Cameron White. White had been shot, stabbed, and left for dead in a Pike County cornfield.

Without knowledge of White's location or whether the suspect had left the scene, Vanoven searched the field for White and three other victims, who had already died from their injuries. As a result of his willingness to jeopardize his own safety to help others, Deputy Vanoven arrived in time to administer medical assistance to White until paramedics could reach the scene. His heroism saved Cameron White's life.

For his actions, Deputy Vanoven has received accolades from America's Most Wanted and the American Red Cross and was named Deputy of the Year by the Gibson County Sheriff's Department. As someone who has spent his career in law enforcement, it is a true honor to have this opportunity to recognize Bruce Vanoven. I commend his actions and thank him for his service to the people of southwest Indiana.

RECOGNIZING LAWRENCE GREEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize Lawrence Green for being named ''Driver of the Year'' by the Environment Industry Associations. Mr. Green is an employee of IESI waste service and an exemplary citizen of Forest Hill, Texas.

The award is presented annually by the Environment Industry Associations. EIA recognizes the best drivers from the U.S. and Canada involved in solid waste hauling and recycling services who have demonstrated their commitment to their profession, shown a commitment to service and quality, and operated their vehicles in a safe and responsible manner.

Mr. Green is an employee of IESI, an environmental services company founded in 1995. The company has since expanded across the southern and northeastern United States. During his 24 years of service, he has collected an estimated 87,000 tons of waste in the Colleyville and Haltom City area. Over the course of 1.5 million miles, he has not had a single accident or complaint.

Lawrence Green's services have extended beyond his job description. On one occasion, he followed and apprehended some children whom he had seen breaking into a car. Another time, he carried home a girl who had fallen off of her bicycle. Although he has proven himself worthy of being promoted, he has turned down the offer on different occasions.

I would like to commend Mr. Green for his outstanding service and congratulate him for

being named "Driver of the Year." It is terrific to see someone who both enjoys his job and excels at it. I wish him success in the future, and I am very proud to represent him in the 26th District of Texas.

RECOGNIZING VICKI SILKWOOD PRESIDENT OF THE MISSOURI FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Vicki Silkwood, a constituent of the 6th district of Missouri who recently was installed as President of the Missouri Federation of Business and Professional Women for 2007–2008. As President, she will preside over the Missouri Board of Directors and will serve on the Chillicothe Business and Professional Women's/USA Board of Directors.

The Missouri Federation of Business and Professional Women has approximately 1,000 members statewide and works on achieving equality for women in the workplace through education, advocacy and research.

Ms. Silkwood has been very active over the years with the Chillicothe Business and Professional Women's organization. She has held numerous leadership positions, beginning with two consecutive terms as President of the Chillicothe local and as District Director for the Missouri Federation of Business and Professional Women's Board. Ms. Silkwood has also served as Membership Retention Chair for the State Board, State Treasurer, and State First and Second Vice President and President Elect.

Madam Speaker, I proudly ask you to join me in congratulating Vicki Silkwood for her accomplishment of being selected as President of the Missouri Federation of Business and Professional Women for 2007–2008. It is an honor to represent Ms. Silkwood in the United States Congress.

INTRODUCTION OF THE HEALTH FREEDOM PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. PAUL. Madam. Speaker, I rise to introduce the Health Freedom Protection Act. This bill restores the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements by codifying the First Amendment standards used by Federal courts to strike down the Food and Drug Administration (FDA) efforts to censor truthful health claims. The Health Freedom Protection Act also stops the Federal Trade Commissions (FTC) from censoring truthful health care claims.

The American people have made it clear they do not want the Federal government to interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with four Federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in protecting against diseases by claiming that every article concerning this topic is evidence of intent to sell a drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for 4 years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neutral tube defects!

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega-3 fatty acids may reduce the risk of sudden death heart attack; and that calcium may reduce the risk of bone fractures.

The Health Freedom Protection Act will force the FDA to at last comply with the commands of Congress, the First Amendment, and the American people by codifying the First Amendment standards adopted by the Federal courts. Specifically, the Health Freedom Protection Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements, and adopts the Federal court's suggested use of disclaimers as an alternative to censorship. The Health Freedom Protection Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease.

This legislation also addresses the FTC's violations of the First Amendment. Under traditional First Amendment jurisprudence, the Federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC has reversed the standard in the case of dietary supplements by requiring supplement manufactures to satisfy an unobtainable standard of proof that their statement is true. The FTC's standards are blocking innovation in the marketplace.

The Health Freedom Protection Act requires the government bear the burden of proving that speech could be censored. This is how it should be in a free, dynamic society. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes.

Madam Speaker, if we are serious about putting people in charge of their health care, then shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for good health care and the First Amendment by cosponsoring the Health Freedom Protection Act.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of the Genetic Information Nondiscrimination Act.

I am a cosponsor of this important legislation, which bans discrimination in the workplace and in health insurance on the basis of predictive genetic information. It prohibits insurance companies from denying coverage or increasing premiums because of genetic factors. Also, under this bill, employers cannot consider genetic factors in the process of hiring, firing, or promoting workers. H.R. 493 is much like a Minnesota law, which I voted for when I was a member of the Minnesota House of Representatives.

Genetic discrimination has the potential to affect every person in the United States. Despite advances in modern medical technology, it is impossible to predict with certainty whether a given individual will actually develop a disease. Patients recognize that few laws exist to prevent health insurers or employers from using their predictive genetic information to deny them coverage or jobs. As a result, they may avoid taking an important genetic test or participating in genetic research.

Federal employees are already protected from genetic discrimination by an executive order signed by President Clinton and retained by President Bush. It is time to extend this protection to the rest of our country.

H.R. 493 will give Americans the security they need to take care of their health needs without worrying that they will face discrimination. I urge my colleagues to join me in supporting this bill.

COMMEMORATING THE 200TH ANNIVERSARY OF THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RANGEL. Madam Speaker, I wish to express my full support for commemorating the 200th Anniversary of the abolition of the Transatlantic Slave Trade as called for by H. Res. 272, which was introduced by Representative BARBARA LEE.

The Transatlantic Slave Trade is a very important part of world history that should never be forgotten. Millions of men, women, and children were forcibly removed from their homeland, packed into ships under inhumane conditions, and then after being lucky enough to survive the treacherous high seas, sold like

pieces of disposable property to slave owners. Further, to add insult to injury, they were treated horribly by their masters throughout their lives. For those that survived the voyage, their strength is still unbelievable and nothing short of a miracle. For these and other reasons, Americans and people all over the world should be reminded of their immeasurable suffering and how the abolishment of the Transatlantic Slave Trade impacted the end of that atrocity.

The abolition of the Transatlantic Slave Trade was a pivotal step to the full abolishment of slavery in Great Britain and the United States. Since this action was monumental, it needs to be commemorated. A commemoration offers an opportunity to educate youth and remind others of the importance of ending the Transatlantic Slave Trade. There simply is not enough attention given to educating people on the history of slavery. Although it represents a dark part of history, it needs to be highlighted and explained.

It has been said and it is true, that America is a melting pot. Since our great country is so diverse and will continue to grow, every opportunity to commemorate and share history should be seized. I encourage my colleagues to support this important resolution.

ADDRESS GUN CONTROL NOW

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. MORAN of Virginia. Madam Speaker, two weeks ago, our Nation suffered an unspeakable tragedy when a deranged gunman indiscriminately killed 32 students and teachers at Virginia Tech in Blacksburg, VA. Our prayers and thoughts are with the surviving victims, families, and the entire Virginia Tech community who are determined to not allow one crazed individual to ruin the school's Hokie spirit and strength. This horrific, senseless act was committed because a mentally ill individual could easily buy two handguns and as many rounds of ammunition clips as he desired. I cannot stress to you how important it is that we reauthorize the federal assault weapons ban, close the existing loopholes, and strengthen the background checks requirements.

I want to submit for the record a Letter to the Editor that was posted in the Washington Post on April 21, 2007. This letter was written by Jay Wind of Arlington, VA, and Robert Weiner of Accokeek, VA. I agree with their contention that now is the time for Congress to address gun control and get these semi-automatic weapons off the streets.

[From the Washington Post, April 21, 2007]

REFLECTIONS AFTER THE KILLINGS

(By Robert S. Weiner and Jay Jacob Wind)

As a national political public affairs consultant and the father of a Virginia Tech student who knows five of the dead and was best friends with one of the first two shot, we are outraged and dismayed that congressional leaders of both parties are running for cover from handgun control after the worst gun violence in American history. Instead of using this sad opportunity to stop such shootings by barring handguns, as other civilized countries do, Congress and the White House are pandering to the politics of the National Rifle Association because of potential votes in swing states.

Why are our political leaders not speaking out against handguns instead of asserting that this is not the right time for such a debate? In unarmed Britain, fewer than 100 die a year from handguns. America is still the Wild West, with an average of 30,000 gunned down annually.

In September, the youngest Wind daughter will enter Virginia Tech. She thought she would be safe, near her older sister. It's time for Virginia's leaders—and the nation's—to act to prevent future massacres.

HONORING THE LIFE OF UNITED STATES ARMY CORPORAL MICHAEL MATTHEW ROJAS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. COSTA. Madam Speaker, I rise today to honor and pay tribute to the life of CPL Michael Matthew Rojas, who lost his life defending the freedom of our Nation in support of Operation Iraqi Freedom.

A native of Fresno, California, Michael was born on March 1, 1986. As early as his freshman year in high school, he made joining the military a goal in his life. He played 4 years of football at Clovis East and helped his team win the Central Section Division 1 Championship, a highlight of his high school career. Shortly upon his high school graduation in 2004, Michael attained his goal by enlisting in the Army. When asked why he decided to join knowing that our Nation was at war, he would reply, ''Because it's the men and women before me that made it possible to live in freedom.''

With that passion and drive Michael completed basic training at Fort Sill, OK as a cannon crewmember. In November of 2004, he reported to Fort Lewis where he was assigned to the 3rd Brigade, 2nd Infantry Division. Unfortunately, Michael's tour in Iraq ended when an improvised device detonated near his military vehicle during combat operations on April 18, 2007.

Michael is survived by his mother, Debbie Apodaca; his father, David Esquivil; his wife, Katrina; five sisters, Michelle, Melissa, Marissa, Samantha, Mariah; and one brother, David. Also surviving are his grandparents, William Rojas, Victoria Valenzuela, and Art and Gloria Esquivil; and his nieces, nephews, aunts, uncles, cousins and numerous friends.

It is my belief that Michael's life symbolizes the ultimate sacrifice one can make for his country. His valor, strength, courage and pride in our nation will forever live in the thoughts and hearts of his family and Americans across the nation. CPL Michael Matthew Rojas' dedication to the principles of freedom and democracy will serve as an example to all of us, for generations to come.

INTRODUCTION OF BILL TO CREATE THE OFFICE OF CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mrs. CHRISTENSEN. Madam Speaker, today I am once again introducing legislation that I sponsored in the previous two Congresses to provide for a Chief Financial Officer for the Virgin Islands. Having witnessed the example and record of what having such a position has meant to the financial management and fiscal health of the District of Columbia, I continue to believe that my district, the U.S. Virgin Islands, would also benefit from having a CFO.

When I first introduced the idea of a CFO for the Virgin Islands in 2005, I did so in response to the uncertainties and distrust of government voiced by my constituents and as a measure to prevent the territory, which was experiencing a serious financial crisis, from falling into the abyss of fiscal insolvency.

I believed then, as I do now, that having someone in our government free of political pressures and with the statutory responsibility and authority to certify revenue projections and prevent deficit spending could assist our government to establish sound financial practices which would put the Islands on the path to improved financial management going forward. Because of our long history of poor financial management and practices, an office such as this would also help to immediately restore the confidence of the Federal Government and others in our ability to be fiscally transparent and accountable.

There are those, Madam Speaker, who will ask why I am doing this at this time, particularly because the islands just inaugurated a new governor whose background is in financial management and who has been a good friend and political ally.

They will suggest that my introduction of this bill signals a lack of confidence in the governor to effectively steer the Virgin Islands' fiscal ship into calm financial waters. Nothing could be further from the truth. I have every confidence in Governor John de Jongh and his administration and believe that they will do a first rate job of managing the territory's finances. He has already begun to do so, but I also believe that every good manager, no matter how talented or committed he or she might be, can always do a better job if they had better tools with which to work.

When I first introduced this bill the territory's long-term debt totaled $1 billion. Recently the Governor in an address before the League of Women Voters stated that ''the government's financial structure is ''a house of cards'' that has left the territory about $3 billion in debt.''

As has frequently been the case, the legislature questioned the governor's numbers. A CFO would take the uncertainty out of the equation and allow a legislature and governor to work better together because they would both get their numbers from the same independent source. Further, the departments of government, semi-autonomous agencies and labor unions would be better able to plan, and the people of the Virgin Islands in general would have reliable information on how the

millions of federal dollars coming to the Virgin Islands are being spent.

This bill was first introduced under the administration of Governor Turnbull and it is revised with respect to the financial management system because, to his credit, its implementation began under his tenure.

In recognition of and deference to the upcoming constitution to be drafted, approved by the Congress and then ratified by the people of the Virgin Islands, the prior bill is further amended in that the term of the Chief Financial Officer will expire at the implementation of the Constitution or in five years, whichever comes sooner.

Proposing this bill as a tool to help my islands better manage its finances has not been an easy journey for me. It has however, become very clear that the people of the Virgin Islands are behind me in this effort because they have long recognized the need for more accountability, transparency, and efficiency in the management of federal and local funds. The implementation of an independent CFO, while not the only way to achieve this, is the only viable proposal that has come forward over the last 10 years or more of increasing deficits and narrowly averted fiscal crises, crises which have only been delayed through repeated borrowing.

Such borrowing and debt creation is what has led to the $3 billion debt reported by Governor Dejongh last month—a practice he has already stated he will not continue. This office is offered as a way to assist our governor in his stated goal of paying our obligations and bringing the territory's finances into balance, to give apolitical, reliable and trusted information on the financial state of our government, as well as a way to bridge any divisions between the administration and the legislature in the interests of expediting a positive and sustainable agenda for the people of the Virgin Islands.

I thank the Speaker for her support of this important legislation in prior Congresses and ask for her continued support to bring this legislation to passage once again.

RECOGNIZING PHILIP WILLIAM ISLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Philip William Isley, 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.

Philip has been very active with his troop, participating in many scout activities. Over the years Philip has been involved with scouting, he has earned 28 merit badges and held numerous leadership positions, serving as Troop Guide, Chaplain's Aide, Assistant Patrol Leader, and Patrol Leader. Philip is a Brotherhood Member in the Order of the Arrow and a Warrior in the Tribe of Mic-O-Say. His tribal name is Silent Crocodile of the North Shore.

Philip planned and directed the landscaping and remodeling of the entrance to the Mount Memorial Cemetery at William Jewell College. Philip has also added a bench and statue to the landscaping in the cemetery.

Madam Speaker, I proudly ask you to join me in commending Philip William Isley for his accomplishments with the Boy Scouts of America and for his achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 150TH ANNIVERSARY OF MOUNT ZION TEMPLE IN ST. PAUL, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, it is my great pleasure to rise today to recognize the 150th anniversary of Mount Zion Temple in St. Paul, Minnesota. Mt. Zion's long service as a faith home to generations of Minnesotans deserves special recognition. This year's celebration marks the temple's deep dedication to community, life-long learning, worship and social justice.

Mount Zion Temple has a proud history in Minnesota. Eight Jewish pioneers came together to found Mount Zion Hebrew Congregation in 1856, two years before Minnesota became a state. Now 150 years later, every Reform congregation in the Twin Cities can trace their beginnings to the original congregation of eight families.

Mount Zion has been a pillar not only for the faith community but also for generations of Minnesotans who have been touched by the temple's strong commitment to community involvement. In 1900, members of Mt. Zion founded Neighborhood House, a community center providing advocacy, support, and community building programs to St. Paul. Today, more than 100 years later, the new "Paul and Sheila Wellstone Community Center at Neighborhood House" serves a growing community in St. Paul. Our entire community shares pride in this legacy.

Madam Speaker, recognizing the countless contributions of Mt. Zion Temple to the people of Minnesota during the past 150 years, it is my honor to submit this statement for the official CONGRESSIONAL RECORD.

HONORING KATE P. MORAN RECIPIENT OF THE COMMONWEALTH'S ACADEMY RECOGNITION FOR EDUCATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Kate P. Moran of Alexandria, Virginia, upon her receiving the Commonwealth's Academy Recognition for Educators (CARE) Award,

The CARE Award honors outstanding educators from across the country who are working to enhance the lives of their students. CARE Award recipients are recognized for their unrelenting work to enhance the lives of the students they serve. Kate Moran, a Special Education Coordinator, was honored for her efforts to construct innovative ways to train special needs youth in Virginia.

Raised in Alexandria, Virginia Ms. Moran is a graduate of TC Williams High School. She went on to receive her Bachelor's of Arts in Theater from Catholic University of America, and received a Master's of Teaching in Special Education from University of Virginia. Currently a resident of Alexandria, Virginia Ms. Moran has taught in the Virginia school system for 6 years.

As a special education coordinator for TC Williams High School, Minnie Howard School, and the Secondary Training and Education Program, she has dedicated her career to educating students with learning disabilities, mental challenges, and health impairments. In her own words, she tries to "meet the needs of students and families by making special education accessible to all types of learners."

Ms. Moran's dedication to her special-needs students is unprecedented. Over the past 6 years she has made a lasting impression on her students giving them the skills and support to lead a fuller, more rewarding life.

I ask my colleagues to join me in applauding Kate Moran and congratulating her on this distinguished achievement.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL COMMUNITY COLLEGE MONTH

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of House Resolution 334, which will support the goals and ideals of National Community College Month. This resolution was passed on May 1, 2007 with bipartisan support.

Not only is a college education one of the best investments a person can make, it is the best way to ensure our children and grandchildren have a promising future regardless of socioeconomic status. The typical college graduate earns 80 percent more than a high school graduate, and this can add up to about one million dollars over one's career. Additionally, more educated people tend to have access to better health care, and often enjoy a better quality of life.

For these reasons, I am always looking for ways to improve access to a quality education for our area, and I have found that community colleges are one of the best ways to achieve this. For many years now, I have seen the benefits of these schools, and their collaboration with community partners in our area is critical. Whether it's through training programs or working with local businesses, community colleges focus on areas to make sure that their students have the components they need to be successful.

I am proud that the Congress has decided to honor our country's community colleges, their students, governing boards, faculty, and staff, not only for their contributions to education and workforce development, but for their vital role in ensuring a brighter, stronger future for our country.

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support for H. Res. 243. The imprisonment of political prisoners and prisoners of conscience by the Republic of Vietnam is unconscionable. I join my colleagues in urging the communist regime in Hanoi to cease with these repressive actions.

Father Nguyen Van Ly and human rights attorneys Nguyen Van Dai and Le Thi Cong Nhan were arrested earlier this year for allegedly disseminating propaganda against their government. Their actions were peaceful and nonviolent, and are protected by the Vietnamese Constitution. In the 12th round of human rights talks between our government and the government of the Republic of Vietnam last week, the assistant to the Vietnamese foreign minister attempted to highlight their achievements in this arena, citing the protection and execution of basic rights and freedoms of their people.

Madam Speaker, these words are not enough. We need action. The government of Vietnam needs to show us their commitment to providing basic human rights to their citizenry by releasing these Vietnamese patriots. Their alleged crimes amount to nothing more than advocating freedom of religion, speech, movement and association; these actions should be celebrated, rather than punished by their government.

I support this resolution and call upon the Socialist Republic of Vietnam to immediately and unconditionally release these political and religious prisoners. Further, I call upon their government to embrace differing opinions, and ensure their government's vitality through the strength of its principles, rather than the strength of its police force.

A TRIBUTE TO JACK VALENTI

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BERMAN. Madam Speaker, this week, the Nation lost one of its most colorful and wise counselors: Jack Valenti, who was the personification of the motion picture industry in Washington. I can't think of another industry that has had a representative so well known and so highly regarded, or one so accessible in spite of his considerable fame. Much more than "just" a lobbyist, Jack had an intense interest in public policy and a wisdom about him that made him an extremely valuable counselor to Presidents, to Congressmen and Senators and to his peers and colleagues. He was a great man with a charm and wit that won him genuine affection as well as near universal admiration.

The following op-ed article from the Washington Post of Saturday, April 28 was written by Matt Gerson, who worked with and was mentored by Jack. It describes perfectly the loss felt by those of us who were also fortunate enough to learn from this extraordinary man.

WHAT JACK VALENTI TAUGHT US ALL

Jack Valenti lived a unique life between two of society's fascinations—politics and Hollywood. For Republicans and Democrats, for senators and young aides, for celebrities and the legions behind the cameras, interactions with him were graduate seminars in history, politics, human nature and common sense. This extraordinary communicator punctuated every conversation with a witticism linked to his beloved Texas, a quote from an obscure historical figure or a rule passed on to him by his mentor, Lyndon Johnson. In the weeks leading up to his death Thursday, all over town a simple "How's Jack?" almost always led to, "You know, I try to live by something I once heard him say."

I first noticed his reach when a lunch companion said, "I try to return every phone call the same day I receive it, and I try to treat an appointment secretary like a Cabinet secretary." That was followed by a senator who revealed: "Jack was the first one to contact me after my son died. I will never forget his concern and support. How can I reach his family?"

For those Jack mentored during the 38 years he dedicated to America's film industry, it became clear that character was defined by loyalty. In both Washington and Hollywood, people often desert "friends" at the first whiff of public disfavor. Not Jack—time and again he insisted that you never abandon a friend who was going through a rough time, and he always stood with a beleaguered colleague or public official who was receiving unwanted publicity.

He would tell his team to respect every elected official ("because you never even ran for dog catcher, and they were sent here by the people"). He admonished us that your adversary today might be your ally tomorrow. "In a political struggle, never get personal—else the dagger digs too deep."

Jack rejected the partisanship that gripped Washington and would warn that "nothing lasts—today's minority backbencher will be tomorrow's subcommittee chairman." On the day the Motion Picture Association of America headquarters was named the Jack Valenti Building, Senator TED STEVENS observed, "Jack works across the aisle because he doesn't see an aisle. It is the root of his success and what others ought to emulate.".

Each of the six studio chiefs who spoke at the dedication ceremony emphasized that Jack's word was his bond—if he made a promise, he never wavered. His rock-solid commitment gave him unusual credibility with leaders on both coasts and around the world.

Jack was a gifted public speaker who put incredible effort into making it all look effortless. He would rework his text behind closed doors, reciting it until the cadence was just right. Jack was ebullient when a president complimented him once on the "extemporaneous" remarks he had made at the Gridiron Club. "The president couldn't believe I didn't have a prepared text. I neglected to mention that I didn't need notes because I spent several days getting ready," he said.

It was especially fun to watch Washington's most accomplished professionals try to decipher one of his homilies. They eventually got the point and often adopted the line as their own. When a project was in trouble, it was time to "hunker down like a mule in a hailstorm." [Modified from the original Texas vernacular for a family newspaper.] When prospects got even worse, "The ox was in the ditch." But every problem could be addressed if you remembered "the three most important words in the English language: Wait a minute."

When someone from the MPAA left to take a new job, Jack would say, "I like to think I teach my people everything they know. But I know I didn't teach them everything I know." That line always got a laugh. I worked with Jack for 6 years and was friends with him for nearly two decades. In the past few years, frankly, I thought I had gleaned every lesson he had to offer. But then I picked up the galleys of his soon-to-be-published memoir, a book that tracks his "Greatest Generation" fable. This grandson of Sicilian immigrants, decorated combat pilot, Harvard MBA ("thanks to the greatest piece of social legislation ever devised by man—the G.I. Bill"), presidential adviser and confidant of America's business leaders has left a treatise with even more rules to live by.

One paragraph is a must-read for the BlackBerry-addicted. Jack quoted Emerson's observation that "for every gain, there is a loss. For every loss, there is a gain." While lamenting the number of nights he spent away from his family, he reminded us that attending one more reception meant missing a meal around the dinner table, and one extra night on a business trip would mean one less chance to help with homework or watch a soccer game.

I have recounted that quote many times over the past few weeks. And while this loss is devastating for many in Washington and Los Angeles, the life lessons that are his legacy are our gain.

SAN JOSE STATE UNIVERSITY SESQUICENTENNIAL ANNIVERSARY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. HONDA. Madam Speaker, I rise today to honor San Jose State University on the occasion of its founding 150 years ago. For a century and a half, San Jose State has provided affordable, quality education. From its humble beginnings as a normal school to train teachers, San Jose State has grown into a comprehensive university, offering bachelor's and master's degrees in 134 programs.

The University reflects the ethnic diversity of California and particularly, that of Santa Clara County with no single ethnic group comprising a majority of the student population. As a graduate of San Jose State, I am particularly proud to note that the University ranks tenth among the Nation's top public universities in the number of bachelor's degrees awarded to minority students across all disciplines. Additionally, San Jose State University has conferred bachelor's degrees in business management and the health professions to more Asian American and Pacific Islanders than any other college or university in the Nation.

I would like to thank my colleagues Representative ZOE LOFGREN, Representative ANNA ESHOO, Representative SAM FARR and Representative JERRY MCNERNEY for joining

me today in recognizing San Jose State University's sesquicentennial.

INTRODUCING THE PILOTS EQUITABLE TREATMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GEORGE MILLER of California. Madam Speaker, today I am proud to introduce the Pilots Equitable Treatment Act, legislation that would prevent deep, unfair cuts in pilots' retirement benefits.

Over thirty years ago, Congress established the Pension Benefit Guaranty Corporation to insure the pension benefits of American workers. When employers terminate their workers' traditional pension plans, the PBGC takes the plans over and makes monthly payments to plan participants who are retired.

When the PBGC takes over a company's pension plan, the plan participants do not always receive the same benefit they would have received if their plan had not terminated. For example, workers who retire before age 65—which the law considers "normal" retirement age—receive reduced benefits to reflect the longer period that these retirees likely will receive benefits.

This is bad news for pilots. Under Federal Aviation Administration rules, airline pilots are required to retire at age 60. As a result, pilots whose pension plan has been terminated—like the pilots at United Airlines and US Airways—wind up taking drastic cuts to their pension benefits because the PBGC treats age 60 as an early retirement age and cuts pilots guaranteed benefits as a result.

The federal government is responsible for trapping pilots in this double-bind. The PBGC and the FAA are both federal agencies, but because their rules don't align, pilots are forced to pay the price. Pilots earn every dime of their pension benefits and they don't choose to retire at age 60. The time to fix this problem is today.

The Pilots Equitable Treatment Act would put airline pilots on equal ground with other workers by requiring the PBGC to treat age 60 as the normal retirement age for pilots—not as an early retirement age. In other words, pilots would receive the maximum PBGC benefit for which they would be eligible if they worked until age 65. If they worked until the age of 57, it would be as if they worked until age 62 and the pilot would receive the appropriate PGGC benefit.

In a 2005 e-hearing Tom Gardiner, of Bainbridge Island, WA, facing the loss of his retirement nest egg at United Airlines, explained the conundrum facing pilots—

"My name is Tom Gardiner and I am a Captain for United Airlines with a total of 27 years of service. . . . If the PBGC takes over the pilots' defined benefit plan, I will lose at least ⅔ of my promised pension. . . .

[One factor] contributing to this huge hit is the adjustment for "early retirement" mandated by PBGC rules. Of course, I have no choice in the matter; the FAA regulations require me to retire at age 60. The PBGC considers that to be "early" and takes away 35 percent of what I would otherwise receive from them. It is a classic "Catch 22.22 . . ."

Captain Gardiner is not alone. The Pilots Equitable Treatment Act would be a first step to restoring some measure of fairness to these hardworking Americans who have seen promised and hard-earned benefits disappear overnight.

TRIBUTE ON THE RETIREMENT OF JOHN CONSTANCE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. HOYER. Madam Speaker, I rise to pay tribute to John Constance, who last week retired from the National Archives after 35 years of Federal Service.

For 14 years, John served as the National Archives liaison to Capitol Hill, supervising congressional relations, public affairs, communications, and the agency's web program.

A native of Baltimore, Maryland, John joined the Archives after graduating from the College of William and Mary in 1972.

He served in a number of managerial positions with the agency, including Director of Policy and Program Analysis, and the Chief of Product Acquisition and Marketing for the National Audiovisual Center.

In addition, Mr. Constance served in extended details to both the Office of Management and Budget and the Department of Education during his career, managing public affairs projects for both agencies.

I am personally grateful to John for all the expertise and assistance he provided to me in the early 1990s during a time of extraordinary transformation for the National Archives, particularly when it established a second facility in College Park, Maryland to accommodate the growing volume of historical materials and improve services to researchers.

This state-of-the-art facility, which has become known as "Archives II," is a treasure to anyone who believes that a nation cannot progress unless it first understands its past. The historically significant records it maintains literally document the history of our great nation, and will serve as primary sources for countless scholars of history, culture, politics, and science for generations to come.

All of us who embark on careers in public service hope that when the day comes to move on to other pursuits, we will be remembered for the good works we have rendered to the American people. John will be remembered for, of all things, his part in advancing our nation's sacred duty to remember its always rich, often glorious, and sometimes controversial history.

IN MEMORY OF CECIL JENNINGS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. FORBES. Madam Speaker, I rise today to pay tribute to a dear friend, a dedicated coach, and a committed educator, Mr. Cecil Jennings, for his loyal service and devotion to the youth of America.

As a public school teacher and coach, Cecil possessed an unwavering dedication to the community, the children of the public school system, and to any young person needing his help or his guidance.

Cecil was bom in 1934 and lived in the Great Bridge area of Chesapeake, Virginia. A graduate of Great Bridge High School and East Tennessee State University, he began his teaching career in 1957 at Deep Creek High School and taught there for two years. He then went on to teach at his alma mater, Great Bridge Junior High School, and worked as a physical education teacher and also coached football, track, wrestling and softball. Cecil also participated as a baseball and basketball coach in recreational leagues and umpired Little League baseball games. He retired from Great Bridge High after 36 years of service to the community. However, even after his retirement he continued to be the personification of school pride and school spirit for the "Wildcats" of Great Bridge.

In life, Cecil always carried himself with a positive attitude towards life and was well-known as an honorable individual with a big heart. He was well-respected by parents and people in the community. As a coach, Cecil had a philosophy that no one was cut from the team; he couldn't stand to cut his players because he saw in every child who had the willingness to try, an opportunity for success down the road. When he coached junior high football, usually 65 young men dressed for each game. "Coach Jennings" gave each child he coached the opportunity to be a winner, and carried that legacy throughout his career. Cecil mentored many students who, through his encouragement and devotion, found success in their education and in their lives. The stories of lives he touched and helped mold seem endless.

Towards the end of his life, Cecil battled cancer, diabetes and severe arthritis. Even as he aged and his health deteriorated, he continued to nurture, encourage and support his family, friends, and the local sports teams. In one of his last visits with a close friend, he reflected upon the happiness and joy he felt for his family and his community. Even through his pain, his selfless compassion continued to shine.

Cecil Jennings was a mentor, an honorable public servant and a dear friend to all who crossed in his path. I offer my sincerest condolences to his wife, Beth, their three children, Greg, Cecil, and Cissy, and five grandchildren, Brittany, Hailee, Alex, Christopher, and Emma. Cecil may no longer be with us, but the impact he made upon the community he loved is imprinted with the continuing legacy of thousands who made "Cecil's Teams" and whose lives were better for having done so.

RECOGNIZING RYAN JAMES CHESHIER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan James Cheshier, 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 270, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the years Ryan 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 Ryan James Cheshier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING STATE SENATOR RUSS POTTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to the retirement of Virginia State Senator Russ Potts. In February, Russ announced that he will not seek reelection in November and it is my pleasure today to recognize his hard work and dedication to the people of the 27th District of Virginia.

Born and raised in Winchester, Russ had a paper route and delivered milk as a young boy to help contribute to his family's income. Self-made, Russ majored in journalism at the University of Maryland before returning to Winchester to take a job as the sports editor of The Winchester Star. A homegrown Republican, Russ eventually went on to a career in sports promotion before running for State Senate 1991. As chairman of the Senate Education and Health Committee and member of the Commerce and Labor, Finance, Privileges and Elections and Rules committees, Russ has made a lasting contribution during the four terms he has served the Commonwealth of Virginia. Russ has dedicated a large portion of his career to public service and will be sorely missed.

Russ is a man of high moral character, a true Virginia gentleman, family man, and loyal friend. I would be remiss today if I didn't also recognize Russ's unwavering dedication to his wife Emily, three daughters, and grandchildren. I ask that my colleagues in the House rise today and join with me in recognizing the outstanding career of Russ Potts.

IN CELEBRATION OF JOHN G. BEBBLING's 60TH BIRTHDAY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. MITCHELL. Madam Speaker, I rise today to celebrate the 60th birthday of Mr. John G. Bebbling, a wonderful friend and loving community member.

John's life story is quite impressive. John was born and raised in Los Angeles, California. He came to Arizona, graduated from my alma mater, Arizona State University, with a degree in Business Administration in 1971 and served in the United States Coast Guard.

In 1974, with only $1,000 in hand, John opened Tempe Paint and Decorator Center. Thirty years later, that investment turned into a $100 million a year operation, employing over 200 within his community. John's ability and business expertise has led to many achievements, which include earning the Tempe Chamber of Commerce Small Business of the Year award, runner-up for the Arizona Small Business of the Year Award and the prestigious Arizona Business Leadership Award. And just last month, John's company TDC Interiors celebrated their 33rd anniversary.

John has always believed in giving back to his community. He has been actively involved in the Arizona Boys Ranch, Centers for Habilitation, Boys and Girls Clubs of the East Valley, Make-a-Wish Foundation, Tempe Diablos, Sun Angel Foundation, Sister Cities International and the Arizona State University Foundation. He has also served on the Board of Directors for the YMCA and the Salvation Army.

Aside from John's business and civic commitments, John is a loving and devoted father to this three children Jamie, Allison and John and a cherished friend to many.

Further, John has been a dear friend to the Mitchell family. Having been by each other's side in good times and not so good times, I have counted John as a close personal friend for almost 40 years.

John's successes should be viewed as those of a true community steward. It is for these reasons that I join John's family and friends in wishing him a blessed 60th birthday and continued health and happiness in the years to come.

POMP AND CIRCUMSTANCE DOESN'T CUT IT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. WILSON of South Carolina. Madam Speaker, yesterday Democrat leaders staged a ceremony to send their defeatist supplemental bill to President Bush. As Democrats joined together around their proposal of retreat, our troops in Baghdad waited yet another day for critical funding.

The sad irony is that for all of their pomp and circumstance, Democrat leaders should face the threat of al-Qaeda, in that Zawahiri has declared Iraq the central front in the Global War on Terrorism. We should be working together in the Global War on Terrorism, not promote plans of defeat. We need to be on the offense protecting American families.

Fortunately, President Bush vetoed the Democrat plan for defeat last night. I look forward to voting to uphold this veto and am hopeful we can now get down to the business of providing for our troops. We must face the terrorists overseas or we will face them again in the streets of America.

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

INTRODUCTION OF H. RES. 351, EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT FEDERAL AUTHORITIES SHOULD STRENGTHEN AND VIGOROUSLY ENFORCE ALL EXISTING IMMIGRATION LAWS

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. SULLIVAN. Madam Speaker, yesterday I introduced H. Res. 351, which offers a straightforward, common sense approach toward deterring illegal immigration, opposing the flawed policy of amnesty, and restoring the rule of law in our country by calling on Federal authorities to strengthen and vigorously enforce all existing immigration laws. The simple truth is that until we enforce the Federal immigration laws already on the books, it is irresponsible for Congress to consider any legislation that would grant amnesty to the estimated 12–20 million illegal aliens currently residing in the United States.

The policy of granting amnesty is a proven failure in our country. The Immigration Reform Control Act of 1986, which granted amnesty to 3 million illegal aliens, did nothing to stem the tide of illegal aliens crossing our borders, but rather contributed to the explosion of illegal immigration our nation faces today. Additionally, granting amnesty to those who have illegally crossed our borders is fiscally irresponsible and would place heavy financial burdens on American taxpayers and Federal social programs alike. According to the Heritage Foundation, current amnesty proposals being debated in Congress would result in the largest expansion of the welfare state in over 35 years and could eventually cost American taxpayers an additional $30 billion per year.

The failure of the Federal government to enforce existing immigration laws has put the integrity of our immigration system and the sovereignty of our great nation at risk. Years of lax enforcement has led to a massive influx of aliens illegally crossing our borders without proper identification, thus creating a strain on the economy, law enforcement at all levels, and public safety in communities across the country. Many cities across the country are actually encouraging illegal immigration by providing sanctuary to those who have broken United States law by illegally crossing our borders. Police departments in these sanctuary cities are actually forbidden from reporting immigration violations to Federal authorities, creating grave national security loopholes.

I introduced H. Res. 351 because I believe that the enforcement and strengthening of existing immigration laws, the elimination of sanctuary policies and increased cooperation between Federal, State, and local law enforcement officials are all necessary steps in reestablishing the rule of law in our country, and providing a significant deterrent to illegal immigration.

I encourage my colleagues to join me in support of this resolution which is in both the economic and national security interests of the United States.

CONGRATULATING CHARTER SCHOOLS FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to recognize the Pembroke Pines Charter School as we consider H. Res. 344, a bill congratulating Charter Schools.

Forty states and the District of Columbia have charter schools, totaling nearly 4,000 schools nationally. Enrollment is approximately one million students or about 2 percent of the Nation's elementary, middle and high school enrollment. Over one-half of all charter schools are in Florida, Arizona, California, Ohio and Texas.

The City of Pembroke Pines Charter School is the only city-sponsored charter school in Florida. Madam Speaker, the Pembroke Pines Charter School, located in my district, is comprised of seven schools ranging from K–12 grades with a total enrollment of nearly 5,400 students. The school is so successful that there is a waiting list of 9,000 students desiring to attend the Pembroke Pines Charter Schools.

The Pembroke Pines Charter High School has recently been rated as one of the top two high schools in Broward County, with 93 percent of all Pembroke Pines charter school high school graduates attending college.

The Pembroke Pines Charter Schools were among those nominated to the Center for Education Reform to compete for the honor of being named one of the top charter schools in the Nation. Out of 4,000 charter schools nationwide, 52 charter schools received this acknowledgement of distinction.

Madam Speaker, two of these top charter schools are part of the Pembroke Pines Charter School System. Ms. Devarn Flowers, Principal of the West Campuses, and other city and school officials will attend a special recognition program at The Center for Education Reform in Washington, DC on May 15, 2007 to receive the "top schools" recognition for The Pembroke Pines Charter Schools.

I commend Ms. Devarn Flowers, the teachers, the administrators and especially the students of Pembroke Pines Charter Schools for their hard work. On the occasion of National Charter Schools week, I am enthusiastically supporting this resolution.

Madam Speaker, I urge my colleagues to support H. Res. 344.

TRIBUTE TO COMMAND SERGEANT MAJOR DOUGLAS M. GREENWAY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Command Sergeant Major Douglas M. Greenway of Ft. Benning, GA. The Command Sergeant Major for the U.S. Army's Infantry School, he will soon retire from the Army after a long career of distinguished service.

CSM Greenway entered the Army in 1979, completed Basic Training at Fort Knox, Kentucky and Advanced Individual Training at Fort Benning, GA. He graduated from Sergeants Major Academy Class 50 and completed all levels of the Non-Commissioned Officer Educational System, NCOES, including the Sergeants Major Academy and Command Sergeants Major Course.

CSM Greenway also has honorably and dutifully served his country in several posts, both stateside and abroad, including Operation Enduring Freedom in Afghanistan and Operation Just Cause in Panama.

Concurrent with his service, CSM Greenway has been honored with numerous awards and medals, most notably the Legion of Merit, the Meritorious Service Medal, the Army Achievement Medal, the Ranger Tab, the Master Parachutists Badge, and Drill Sergeants Badge.

In addition to his many years of service, honors, medals, and commendations from countless colleagues, last month CSM Greenway made history: he and his son, Brandon, were the first father and son team to compete in the Best Ranger Competition, a grueling competition held every year at Fort Benning that demands exceptional navigational skill, great physical strength and a keen intellect.

Madam Speaker, at this time in our nation's history, we are in need of leaders, of individuals who step forward and exemplify the concept of "service above self." We need more people like Command Sergeant Major Douglas M. Greenway.

It is an honor to recognize him here today. I humbly thank him for his service and for his contribution, not just to Fort Benning, but to the United States of America.

RECOGNIZING TYLER JOSEPH VANVACTER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Joseph VanVacter, 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 270, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the years Tyler 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 Tyler Joseph VanVacter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF WESTMINSTER PRESBYTERIAN CHURCH'S 150TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. MATSUI. Madam Speaker, I rise today to congratulate and recognize Westminster Presbyterian Church of Sacramento on the 150th anniversary of their congregation's founding. Since Sacramento's earliest days Westminster Presbyterian has been a constant force of spirituality and tolerance in our community. I ask all my colleagues to join me in honoring the church and its congregation on this historic occasion.

Founded on April 27, 1856, the Westminster Presbyterian Church of Sacramento has been a fixture in our community for a century and half. Their first church service was held in a hall at 6th and J Streets, marking the formation of the first Presbyterian congregation in Sacramento.

Westminster Presbyterian held services at a number of downtown locations before they built and moved into its current historic home on N Street, across from California's State capitol building in 1927.

Through their first 150 years, Westminster Presbyterian Church and its members have sought to be a diverse, welcoming, regional congregation that is able to assist individuals in transforming their spiritual insights into positive actions in our community.

For the past few years Westminster Presbyterian has extended a hand of prayer and compassion to many in Sacramento's diverse communities. Under the leadership of Rev. David Thompson, the church has been active on a wide range of issues, from civil rights to global warming. With its location across from the State capitol, the congregation's stance on such issues has played a welcome role in many of California's policy debates.

On a personal note, my family and I will always be grateful to Rev. Thompson and the church's staff for opening their hearts and doors to us after my husband, Bob Matsui, passed away. The church was a gracious host to his funeral and the hundreds of attendees who mourned with us.

Madam Speaker, as the members of Westminster Presbyterian Church in Sacramento gather to celebrate the 150th anniversary of their church's founding, I am honored to pay tribute to their historic church and enduring faith. I ask all of my colleagues to join with me in wishing the congregation and church's leadership continued success in serving all of us in Sacramento.

SALUTING BETTY LOU REED

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. KIRK. Madam Speaker, I would like to salute Betty Lou Reed from Deerfield, Illinois. Betty has been a part of the community for nearly fifty years, and has served at nearly every level of government. Later this month, she will move to Denver so she can be near her daughter and grandchildren.

Betty Lou started in politics in the 1960's as a volunteer and staffer. She retold stories of serving bourbon and branchwater to Senator Everett Dirksen during the good old days. From 1968 to 1972 Betty Lou was an elected Supervisor serving on the Lake County Board. During that time, she also served as a Field Representative for the Illinois Department of Local Government Affairs. In 1971, Betty Lou was appointed by President Nixon to the Small Business Administration's Midwest Regional Advisory Council.

She was elected by the citizens of her community to the Illinois General Assembly from 1975 to 1982, becoming the Chairman of the Illinois Water Resources Commission in 1980.

After her retirement from the legislature, she became the District Director for our former colleague and my predecessor, John Edward Porter, from 1982 to 1989. After leaving Congressman Porter's Congressional office, she continued serving as his General Chairman from 1988 to 1994.

Recognizing her talent and dedication, Betty Lou received the prestigious Hope B. McCormick Illinois Lincoln Series Excellence in Public Service Award in 1996 for her exceptional work in mentoring women in politics.

Along with John Porter, Betty is a mentor and, as she would say, "a pro." I hope you will join me in wishing Betty Lou many years of happiness as she leaves our community.

TRIBUTE TO MARINE LANCE CORPORAL DANIEL CHAIRES

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BOYD of Florida. Madam Speaker, I rise today to applaud the valor and honor the legacy of a brave young man who gave his life to his country while serving in Iraq. Marine LCpl Daniel Chaires was killed on October 25, 2006, at the age of 20 in a gun battle with Iraqi insurgents. Daniel has left a wonderful legacy of devotion to his family, the community, his church, the Marines, and our great country.

As a descendent of one of Leon County's pioneer families, Daniel has deep roots in North Florida. His hometown of Chaires, Florida, and Chaires Elementary School are named after his family. On Friday, Chaires Elementary School will celebrate the life and military service of Marine LCpl Daniel Chaires. The school will be dedicating a patriotic mural and a monument in honor of Daniel, who was a young man of great courage and character.

As an active and energetic member of the community, Daniel touched the lives of so many. I know that his family and friends will always remember Daniel as a source of strength, inspiration, and leadership.

As a Vietnam veteran, a father, and a fellow American, I would like to pay tribute to Marine LCpl Daniel Chaires. We honor him, we thank him, and we will never forget the ultimate sacrifice he made for his country and for the cause of freedom. I know that his family is immensely proud of him and his service, and we are all in his debt.

WORKERS' MEMORIAL DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. WOOLSEY. Madam Speaker, Workers' Memorial Day, which was observed on April 28th, is a solemn day of remembrance for the thousands of workers who have died—over 5,700 or 16 workers a day in 2005—and a day in which we pledge to do better to protect the health and safety of America's workers.

Since the passage of the Occupational Safety and Health Act (OSHA) in 1970, conditions in the workplace have improved and thousands of lives have been saved, but with this Administration's dismal record on workers' safety, many still die and over 4 million are injured or fall ill every year.

OSHA knows how to help workers when it wants to. For example, in 1978 when OSHA's cotton dust standard was adopted, there were 40,000 workers—or 12 percent of all textile workers—12 percent of all textile workers suffered from this deadly disease.

By 2000, and because of the OSHA standard, brown lung was virtually eliminated. OSHA's 1978 standard on lead dramatically reduced lead poisoning, and the 1989 excavation standard designed to protect workers from trench collapses has reduced deaths by more than 20 percent while construction activity has increased by 20 percent. But this administration has one of the worst records of any Administration in the issuance of safety and health standards.

My subcommittee, the Workforce Protections Subcommittee, held a hearing on OSHA's record last week where the administrator of OSHA, Edwin Foulke and Eric Peoples, a worker who has lost 80 percent of his lung capacity due to his exposure to a dangerous and unregulated chemical called Diacytel [die-aci-teal] sat side by side.

Mr. Foulke said that his heart went out to Mr. Peoples and his family. But then he told us that there wasn't enough proof to promulgate an emergency standard to protect workers from Diacytel.

What more evidence does he need? Diacetyl is a butter flavoring chemical that causes a deadly lung disease, known popularly as "Popcorn Lung." Workers exposed to Diacetyl work in microwave popcorn facilities and other factories where flavorings are used. Mr. Peoples worked in one of these facilities and became ill within months of starting his job. Mr. Peoples—like many of those with popcorn lung—is so sick that he is awaiting a double lung transplant. Scientists have called the effect of Diacetyl on workers' lungs "astonishingly grotesque" and likened it to "inhaling acid." Three workers have died so far.

There has been almost no response from OSHA despite the fact that OSHA scientists have urged the Agency leadership to take broad action on Diacetyl. And sadly, failure to protect workers from Diacetyl is just the tip of the iceberg. The Agency has failed to issue even those standards that are among its priorities, and in 6 years only one significant safety and health standard issued in February 2006, and that was under court order. If OSHA were to inspect every workplace in the country just once, it would take the Agency 133 years.

A recent congressional hearing revealed that OSHA had not done a single comprehenive inspection of any American refinery in the 10 years preceding the devastating 2005 explosion at BP's Texas City refinery that killed 15 workers. But instead of hiring more inspectors OSHA only wants to increase staffing for voluntary activities with its industry partners.

Meanwhile, millions of public employees and other workers still don't even have OSHA coverage, and OSHA penalties are so low that they are just seen by business as the cost of doing business.

We need to hold this Administration's feet to the fire and that is what I intend to do. And we need to act here in Congress to make health and safety our priority and to truly honor America's workers who have died on the job.

So I hope you will join me by co-sponsoring H.R. 2049, the Protecting America's Workers Act. Senator KENNEDY has introduced a companion in the Senate.

This law will bring much needed change by expanding coverage to millions of public employees not covered by OSHA and to other private sector employees who are not currently covered. It will increase penalties in the case of willful violations resulting in death or serious injury and will also protect employees who have the courage to speak out about unsafe working conditions.

And finally, it mandates that the Department of Labor investigates all cases of death or serious injuries, makes the process transparent, and gives workers and their families the right to meet with investigators.

COMMEMORATING THE 200TH ANNIVERSARY OF THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. AL GREEN of Texas. Madam Speaker, I am proud to be a cosponsor of H. Res. 272, a resolution commemorating the 200th anniversary of the abolition of the transatlantic slave trade. The transatlantic slave trade was a crime against the humanity of Africans, mostly from Western, Central, and Eastern Africa, who were kidnapped and sent to the United States and the colonies that became the United States which occurred between the 15th and late 19th centuries. Millions of Africans were literally kidnapped and shipped like chattels to the Americas. In the process many were physically abused and raped. Many perished as a result of torture, malnutrition, disease and resistance in transit. Those who survived were forced into slavery. Slavery in the United States during and after British colonial rule included the sale and acquisition of Africans as chattel property in interstate and intrastate commerce.

Humans of African origin here in the United States were robbed of their homes, family, language, culture, religion, and above all their freedom. The transatlantic slave trade is characterized as the largest forced migration in world history. What made the institution of slavery in the United States unique was that this particular form of slavery was in fact race based with 'black' or 'Negro' becoming synonymous with the word 'slave'. Slaves were

prevented by law from learning to read and marriage between two slaves was not recognized by the state. It is argued that the effects of slavery have affected African-Americans and American society to this very day.

In 1807, Britain became the first European nation to ban the slave trade. France, Holland, and the United States soon thereafter passed legislation banning the trade. However, since Spain and Portugal did not follow this example, African slaves continued to be sent to countries in South America until near the end of the 19th century. Even with the end of the slave trade slavery would still be legal across a large part of the United States until the end of the Civil War.

I am compelled to commemorate the 200th anniversary of the abolition of the transatlantic slave trade because we as a country cannot ever forget this legalized horror and crime against humanity that was allowed to exist in our Nation. A horror that made our American union a less perfect one than it was initially set out to be. Mr. Speaker, I urge my colleagues to support and commemorate the 200th anniversary of the abolition of the transatlantic slave trade.

CONGRATULATING SHOWTIME STORM DANCE TEAM FOR WINNING THE UNITED STATES ALL STAR FEDERATION'S WORLD COMPETITION

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. PEARCE. Madam Speaker, I rise today to congratulate the Showtime Studios Dance Team, Showtime Storm from Alamogordo, New Mexico on their success at the United States All Star Federation's World Competition (USASF). This is a competition where young people travel to Disney World to compete against the best dancers from around the world. These 18 students from the Showtime Studio's senior hip hop team showed their diligent work ethic and amazing talent by advancing to the world competition through a series of regional and national dance championships. The hip hop dance team set a high standard for others to follow since 2007 was the first year USASF held the Senior Hip Hop Gold Championship title. The team has overcome adversity on their journey to the championship and I commend them for their dedication and success.

I am proud to recognize the Showtime Storm dance squad for their accomplishments. I specifically want to congratulate, Kelsey Osterholm, Perla Alarcon, Michael Barber, Adam Berg, Samantha Burch, Marco Cardiel, Erica Clausen, Samantha Collins, Bryan Harris, Vanessa Hernandez, Raynee Hopkins, Shawnna Jett, Kristina Joyner, Macey Marquardt, Ashley Pacheco, Sarah Santos, Whitney Weise, Lexi Wright, assistant coach Vickie Marquardt, and head coach Lorrie Black.

It is my honor as a Member of Congress to have the chance to congratulate this outstanding group of young people on an achievement their hard work has earned them. Congratulations to each of you, your family, your community, and your congressman are all proud of your achievements.

IN RECOGNITION OF THE OPENING OF THE EAST ALABAMA WATER, FIRE, AND SEWER PROTECTION DISTRICT COMPLEX

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ROGERS of Alabama. Madam Speaker, I would like to congratulate today the dedicated men and women of the East Alabama Water, Fire, and Sewer Protection District Complex for the Open House and Ribbon Cutting of their new facility on May 3, 2007.

The new resource protection complex in Chambers County will help provide greater fire protection and water supplies to the city of Valley and the rural areas of Chambers County. With the growing population in the area, the opening of the facility could not have come at a better time. The new facility has over 24,000 square feet and two buildings, which will help provide space for current operations and storage and add room to grow. Overseeing the operation and management of the new facility will be Mr. Tony Segrest, Ms. Beverly Story, Chief Byron Pigg, Mr. Neal Marberry, Mr. Pat Meacham, and Mr. David Martin.

I salute the men and women of the East Alabama Water, Fire, and Sewer Protection District Complex for their service to the community, and congratulate them at the dedication of this important new facility.

CONGRATULATING NUMBERSUSA ON ACHIEVING THEIR 10-YEAR ANNIVERSARY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. TANCREDO. Madam Speaker, I rise today to offer my sincere congratulations to NumbersUSA on achieving its 10-year anniversary. For the past decade, NumbersUSA has worked to advocate for common-sense immigration reforms.

Formed in 1997 by Roy Beck, NumbersUSA has grown dramatically from 300 a decade ago to over 300,000 activist members today. They have provided a voice for the hundreds of thousands of Americans that expect their government to enforce our immigration laws and pursue policies that enhance the security, prosperity, and overall well-being of our Nation.

NumbersUSA honors our immigrant heritage and our commitment to the rule of law through its work toward a more sustainable national immigration policy.

So once again, Madam Speaker, I would like to congratulate Mr. Beck and the staff and members of NumbersUSA on the achievement of this important milestone, and wish them the best of luck in the future.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ORTIZ. Madam Speaker, due to personal health reasons, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 270: "yes" rollcall No. 271: "yes", rollcall No. 272 "yes".

A TRIBUTE TO THE SAN ANTONIO FOOD BANK

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GONZALEZ. Madam Speaker, I rise today in recognition of the May 7, 2007 opening of the San Antonio Food Bank's new facility. The Food Bank is vital to those in the greater San Antonio area who need help providing food for themselves and their families. I would like to extend my sincerest congratulations to this charitable organization on the opening of its new and improved facility.

The Food Bank's new space will allow them to expand the critical services they provide to San Antonio and its neighboring communities. The Food Bank's food storage capacity will increase five fold—from two million pounds of food to storage space for ten million pounds. The facility will house a community center, enabling the center to enlarge its community outreach and improve access to its services. Its large cold storage capacity will allow the Food Bank to further diversify its food selection, maximizing the nutritional value of the products it provides. Additionally, a state-of-the-art kitchen, capable of preparing 50,000 meals is located in the new facility, greatly enhancing the organization's ability to offer Texans emergency food assistance during natural disasters or other emergencies.

This crucial organization began serving southwest Texas in 1980, and its operations continue to grow to meet the needs of Texans facing food-shortage emergencies. As one of the largest operations of its kind in the United States, the Food Bank works with its 380 partner organizations, which include senior citizen centers, church pantry programs, soup kitchens, emergency food shelters, orphanages, after school programs, day care centers and rehabilitation facilities spread across 16 southwest Texas counties, to make over 21 million meals available annually. The Food bank also delivers 40 pound boxes of food to over 40,000 Texas families each month.

The Food Bank is consistently recognized for its good work, including its effective use of funds. In fact, for two years in a row, the Food Bank has received a four-star rating for financial management from Charity Navigator, the country's largest independent evaluator of charities. I am very proud of the important work that the Food Bank conducts, as well as the effective manner in which such work is done.

The message of caring this organization sends through its gift of food to those in need

must be heard and acted upon by us all. The San Antonio Food Bank, and organizations like it, provide success stories that inspire us to action. While its new expanded facility is evidence of a growing need for emergency food services, it also demonstrates a will on the part of our community to address these needs.

On the occasion of the opening of the San Antonio Food Bank's new facility, I extend my heartfelt congratulations to the organization's hard working staff on their service to the community and to congratulate them on their continuing efforts to ensure that all Texans are fed.

IN HONOR OF JANE ITOGAWA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. MATSUI. Madam Speaker, I rise today in tribute to a wonderful woman who has served the Federal government for over forty years. This week, Jane Itogawa will be retiring from the Office of the Federal Defender, Eastern District of California after a distinguished career. As her colleagues, friends and family gather to celebrate her retirement, I ask all of my colleagues to join me in saluting this outstanding Sacramento resident and public servant.

In 1971 Sacramento's Office of the Federal Defender was established and E. Richard Walker was named the first Federal Defender. Within a year, a then Jane Hashiaka was selected to serve as the Secretary to the Federal Defender. Prior to that position Jane had worked for the Treasury Department, Department of Justice and the Department of Agriculture.

However, it was with the Office of the Federal Defender, where those unable to retain legal counsel are provided representation in front of the court, that Jane found a home that would last for 35 years. Since starting as the office's secretary, she has been promoted to Administrative Assistant and then the position of Administrative Officer. At each position Jane's colleagues remarked that her dedication to the office was unmatched and that she consistently went above and beyond the call of duty.

On June 1st 1976, Jane married Eugene Itogawa. Last year the couple celebrated their 30th wedding anniversary. They have one daughter, Michele Itogawa. In her spare time Jane gives back to the community by staying active with the Buddhist Church of Sacramento, where she assists with the church's annual Japanese Food and Cultural Bazaar.

Madam Speaker, as Jane Itogawa enters retirement, I am truly honored to pay tribute to a friend and dedicated public servant. I ask all of my colleagues to join with me in wishing Jane, her husband Gene and daughter Michelle continued success and happiness in all of their future endeavors.

CONGRATULATING A.W. ZENGELER CLEANERS ON THEIR SESQUICENTENNIAL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. KIRK. Madam Speaker, I rise today in honor of the 150th Anniversary of Zengeler Cleaners, a well established family-owned business in my district. The Zengelers exemplify the highest work ethic and the very spirit of achieving the American Dream.

John Zengeler established "The New York Steam Dye Works," a clothing cleaning business, at 208 South Clark St. in Chicago in 1857. He then moved the business to S. Prairie St. in 1866, which was destroyed in the Great Chicago Fire in 1871. He rebuilt on S. Cottage Grove Ave. in Chicago and John's eldest son Arthur W. ("A.W.") Zengeler joined his father in the business in 1896. They opened a new location as A.W. Zengeler Cleaners in 1906.

In 1930, A.W.'s sons, Ralph, Art and Al, became active in the business, with Ralph becoming the third generation of leadership in 1948. Following that tradition, Ralph's son Robert became the fourth generation to lead the family business; and three of Robert's six children—Robert, Jr., Michael, and Thomas—became the fifth generation of the Zengeler family to join the business. Six years ago, Thomas Zengeler became President and the fifth generation leader of the family-owned company.

Over the years, Zengeler Cleaners has grown to seven stores in Lake and Cook Counties, with an eighth store planned to open later in 2007. The business is now home to 145 employees, 27 of whom have been with the company for 20 years or more. It is a strong contributor to our local economy in the 10th Congressional District of Illinois.

This year we pause to celebrate the company's 150th Anniversary and a proud history in which it overcame the Great Chicago Fire, the Civil War, two World Wars and the Great Depression, emerging as one of the premier fabric care specialists in the United States.

I commend the Zengeler family for successfully passing down their proud work ethic and commitment to quality for 150 years and through five generations.

TRIBUTE TO STEVEN HALL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. COSTA. Madam Speaker, this week, the Association of California of Water Agencies, representative of private and public water experts, marks the coming retirement of its Executive Director, Steven Hall. He is a person who knows that water is the life-blood of California, and has been a key figure in planning for our state's future.

Steven Hall has held that position since 1992 and has helped formulate and guide the development and allocation of the water resources upon which the entire California population and agricultural production are dependent. Representing the urban and agricultural users of California, the association is the largest of its kind and has an enormous impact on citizens and consumers throughout the nation.

Prior to assuming his responsibilities at A.C.W.A, Steven Hall was Executive Director of the California Farm Water Coalition, which he founded. The Coalition was a first-of-its-kind coalition of agricultural water users and water agencies which developed strategic information and policy related to agricultural water use in the state. He was instrumental in enactment of major water transfer legislation and related issues.

For 4 years prior to his work at the Coalition, he founded and directed the Land Preservation Association which developed and implemented policy on irrigation and drainage in California. He helped develop policy and funding solutions for impacted agricultural land as well as serving on policy and technical work groups formulating recommendations to state and federal policy makers.

Perhaps his greatest achievement was lead negotiator in the three-way efforts between agricultural, urban and environmental water users that led to creation of the CALFED Bay-Delta Program. CALFED is a unique collaboration among 25 state and federal agencies with a mission of improving water supplies in California and the health of the San Francisco Bay/Sacramento-San Joaquin River Delta, a body of water on which two-thirds of California's citizens depend for water. As a result of the early work of the program, the California Bay-Delta Authority was formed to oversee the program's implementation, and Congress adopted the plan in 2004. Steve Hall was a guiding force behind these accomplishments, and he leaves much of its work as his legacy.

Steve Hall is a friend and role model to all of us who know him. His passion for family and friends is well-known. Steve's ability to combine humor with work has made public policy efforts productive and enjoyable.

At the end of the day, we are all judged by how we handle success and adversity. No one has demonstrated any better than our friend Steve Hall on how we deal with life's challenges. Let the record clearly state that Steve Hall is a true gentleman and a class act.

I join the other members of the California Congressional delegation and all of Steve's friends in wishing him well, and congratulating him for the depth and scope of his accomplishments that have affected all California.

HONORING THE CHILDREN'S HEALTH INITIATIVE OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the Children's Health Initiative of Napa County for the excellent work it has done to expand health insurance coverage to all of Napa County's children. By trying to ensure that every child in Napa County has some form of health insurance, the Children's Health Initiative is working to improve the quality of life for all children and families in Napa County.

The Children's Health Initiative was founded in 2005 with the goal of providing insurance

coverage for every child in Napa County, either directly or by working with families to obtain coverage through other programs they might qualify for. Often families qualify for health insurance but are intimidated by the paperwork or relatively minor costs associated with many insurance programs. A twin approach of helping families make those enrollments where qualified while providing a comprehensive health insurance program to those who do not has been the foundation of this program's success.

Since the start of programmatic work in December 2005, Children's Health Initiative has gained health insurance for 2,100 children in Napa County. Approximately 30 percent of these were through the initiative's own Healthy Kids insurance, while the remainder have successfully enrolled in the partnership programs MediCal, Healthy Families, and Kaiser Permanente's Child Health Plan. The program has done very well, reaching into communities that have traditionally lacked information about health care resources. Around 95 percent of the children served by the initiative's own Healthy Kids insurance program are Spanish speaking by birth, and many live in households with incomes not far above the federal poverty line.

It is extraordinarily important that children in any community be given access to a comprehensive health care. Not only is it good for the individual child's health and development, but it also has numerous positive effects throughout the community. By ensuring regular access to preventative care and examinations, as well as immunizations, children are healthier and pose less risk of transmitting diseases to others, and require fewer expensive visits to the emergency room. Parents benefit as well, as they take fewer sick days and so are more stable in their jobs.

Madam Speaker, it is appropriate at this time that we thank the Children's Health Initiative of Napa County for the remarkable strides this program has taken in just 2 years. Only through the hard work and generous contributions of countless members of our community has this program gotten such a strong start, and I know that we will see much more progress in the years to come.

HONORING THE PAUL WELLSTONE LEGACY

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ELLISON. Madam Speaker, it is an honor for me to speak in support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007. I want to thank both Congressman KENNEDY and Congressman RAMSTAD for their dedication to ending insurance discrimination and ensuring all Americans have access to mental health and addiction services. I also want to thank Speaker PELOSI, Majority Leader HOYER, and Majority Whip CLYBURN for their leadership in championing this bill and mental health access issues.

As a Minnesotan, I'm struck by the emotion of this day because the late Senator Wellstone's tireless efforts to ensure mental health parity might finally be realized. Paul Wellstone knew it was wrong for health insurers to place discriminatory restrictions on treatments and I'm honored to be a part of this effort to finally guarantee that the millions of Americans who need mental health and addiction services can obtain the treatment they deserve.

The urgent need for the Paul Wellstone Mental Health and Addiction Equity Act of 2007 is surely best expressed by those who have seen a loved one in need denied coverage. I think immediately of Kitty Westin, whose daughter Anna suffered from anorexia, a deadly disease that affects approximately 8 million Americans and ultimately claimed Anna's life. During her daughter's battle with anorexia, Kitty took Anna to the hospital. Anna was refused care by their insurance company because it did not consider access to mental health treatment important enough to cover.

Kitty knows this is completely unacceptable and has been fighting selflessly to make sure no other family experiences the same frustration and pain. I commend her for carrying on Anna's legacy so impressively through her advocacy efforts and community work. For Kitty and all of the others who have encountered insurance discrimination, I carry Paul Wellstone's message that mental health care is an imperative part of all heath care. My hope is that this bill in his name will finally pass, guaranteeing that all Americans have access to mental health and addiction services.

TRIBUTE TO RYAN JOHN BURGESS, UNITED STATES MARINE, LANCE CORPORAL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. CAMP of Michigan. Madam Speaker, the events of the last few years have reminded us that ''eternal vigilance is the price of liberty.'' The United States stands as a beacon of hope and liberty for the world because of the eternal vigilance of the men and women who have served and are serving in the United States military.

Marine Lance Corporal Ryan John Burgess was one such soldier. A patriot through and through, Ryan did not hesitate to answer the call to duty when his country went to war. Never an easy decision, and one that causes great concern amongst parents, Ryan enlisted and excelled as a marine. His leadership was often recognized by his superiors in the form of being granted additional responsibilities.

Today, I want to recognize on the floor of the United States House of Representatives the life and service of Ryan John Burgess—a life given in full so that our freedom may be preserved. Ryan's bravery serves as a stark reminder of the responsibility we have as stewards of this great country—the land of the free and the home of the brave.

So, as we salute heroes like Ryan John Burgess, we remember them with undying gratitude. And we resolve, though we cannot repay the debt we owe them, to live our lives in such a way as to be worthy of their sacrifice.

May God keep Ryan; may God watch and comfort his family; and, may God continue to grant this Nation with the courage to defend life and liberty.

HONORING THE CAREER OF STEPHEN McKENNEY STECK

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. FEENEY. Madam Speaker, I rise today to honor Mr. Stephen McKenney Steck for his 40 years of service to the WMFE public broadcasting stations that serve the greater Orlando area.

An Orlando native, Steve began his only career in 1959 at WFTV (then WLOF) as a television director and later as senior producer/director for news and public affairs programs.

Steve started a 40-year run at WMFE in 1967 as production manager and was appointed operations manager in 1970. In 1972, Steve was elected President of WMFE and held that position with distinction for 34 years.

Steve's major accomplishments during his tenure include moving WMFE's physical plant to a multi-million dollar broadcast center in East Orlando, the activation of public radio station 90.7 WMFE–FM, expanding both station's programming to a full 24-hour per day schedule, overseeing a program schedule viewed each week by more than 485,000 Central Florida households and a radio schedule listened to each week by more than 194,000 Central Florida residents.

Steve concluded a $4 million expansion of the Public Broadcasting Center in 1992, a $2 million reexpansion in 2003, and a $10 million Campaign for Program Excellence in 2002 generating funds directed to local programming that connected the community in a manner not duplicated by local electronic media.

Steve recently concluded WMFE's $7 million Campaign for Digital Television that activated WMFE–DT/Channel 23 in 2003. He has launched the creation of a new $2.4 million program vision for these stations. A transition to digital radio broadcasting rests in the short-term future. Under his leadership, WMFE's annual budget has grown from $250,000 to more than $8 million.

At age 63, Steve attained a 10-year goal: starting in and finishing a marathon in all of the 50 states and the District of Columbia and on all 7 continents—including Antarctica! Steve is married to Desta L. Homer, a former teacher at Winter Springs High School in Seminole County. They have three adult children and five grandchildren.

Madam Speaker, in closing, I would like to extend my heartfelt thanks to Steve for his years of service and dedication to his Orlando community. I ask my colleagues to join me in congratulating Mr. Steve on his retirement and wishing him the best of luck in all future endeavors.

INTRODUCTION OF REPAIRING YOUNG WOMEN'S LIVES AROUND THE WORLD ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing the bipartisan Repairing Young Women's Lives Around the World Act, a bill

vital to saving the lives of women and their children around the world. This bill funds UNFPA (the United Nations Population Fund) strictly for the prevention, treatment, and repair of obstetric fistula.

More than two million women worldwide have obstetric fistula, which results from prolonged labor without medical attention. During delivery, the infant's head presses against the woman's pelvis for so long that the tissue dies and a hole develops between the woman's vagina and rectum, leaving the woman without control of her bladder or bowels and often resulting in the death of the infant. In addition, many women who have the condition are abandoned by their husbands and families because they are considered ''unclean'' and the women are often forced to beg or turn to prostitution to survive. The condition was once common throughout the world, but over the last century has been eradicated in Europe and North America through improved medical care. For example, New York's hospital for fistula patients, now the site of the Waldorf Astoria Hotel, closed in 1895 because of diminishing cases.

Fortunately, UNFPA is working with partners on a global campaign to prevent and treat fistula, with the goal of making the condition as rare in Africa and Asia as it is in the developed world. In fact, UNFPA works in 56 countries, more than the U.S. currently does, countries with the severest of problems. Many of the nations where there is no USAID presence suffer under political turmoil and poor living conditions and serve as breeding grounds for terrorists.

I believe that this legislation would help to provide a concrete way to show that the U.S. cares about women and children around the world. Now is the time to allow the U.S. to recommit to the maternal health of women and children around the world.

APPLAUDING THE TEXAS STATE LEGISLATURE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GINGREY. Madam Speaker, I rise today to applaud the Texas State legislature for passing House Bill 1098, which prevents mandatory human-papillomavirus (HPV) vaccination for middle school girls in the State of Texas until at least 2011.

This legislation was a necessary response to the ill-advised executive order signed by Governor Perry in February of this year, which requires every girl in the state of Texas to receive a vaccine against HPV. I stand tonight to encourage the Governor of Texas to quickly sign H.B. 1098 into law and return important healthcare choices to parents and physicians—not the state or Federal government.

Madam Speaker, HPV is a sexually transmitted disease of which two strains, types 16 and 18, are associated with about 70 percent of cervical cancers. In June of 2006, the Food and Drug Administration approved the first vaccine that protects against 4 types of HPV. As an OB/GYN physician, I applaud this achievement in modern medicine. However, I am greatly concerned with the trend in many states to introduce legislation or sign executive orders mandating young girls—6th graders—receive the HPV vaccine in order to attend school.

States have historically established and enforced their own vaccine and immunization practices that dictate their school admittance policies.

Requiring school-aged children to receive certain vaccines in order to attend school started as a public health concern so as to avoid widespread outbreaks of communicable diseases. However, Madam Speaker, since HPV can only be spread through sexual contact, mandating this vaccine is unprecedented, and I believe it is an egregious intrusion by government into what should be a parent-physician-patient decision.

Accordingly, I have introduced legislation, the Parental Right to Decide Protection Act, which would prohibit federal funds from being used to implement any type of mandatory HPV vaccine program. We need to stand up against this government interference into the lives of our children, which side-steps parental rights and responsibilities.

This is why I am so encouraged by the action of the Texas State legislature to stand up for the rights of our children, protect the role of parents and preserve the physician-patient relationship.

Madam Speaker, our government should not insert itself into this conversation—and I want to join the many medical groups, patient groups and parental rights groups—to call on the Governor of Texas to sign this very important piece of legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 3, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 7

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health: Frontiers of Science.
SD–116

MAY 8

10 a.m.
Finance
To hold an oversight hearing to examine the Medicare prescription drug benefit.
SD–215

Health, Education, Labor, and Pensions
To hold hearings to examine community integration and recovery, focusing on transforming mental health and substance abuse systems of care.
SD–628

Judiciary
To hold hearings to examine privacy and civil liberties concerns, focusing on the REAL ID Act (Public Law 109–13).
SD–226

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine the policies and funding necessary for reducing U.S. oil dependence relating to the results of an analysis conducted to assess the economic impact of implementing the Energy Security Leadership Council's recommendations to the Nation.
SD–192

Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

MAY 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill policy proposals relating to farm and energy issues and rural development.
SR–328A

Foreign Relations
To hold hearings to examine climate change relating to national security threats.
SD–419

Veterans' Affairs
To hold hearings to examine on benefits legislation.
SD–562

10 a.m.
Rules and Administration
To hold hearings to examine improving energy efficiency, increasing the use of renewable sources of energy, and reducing the carbon footprint on the Capitol complex.
SR–301

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Defense.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

Foreign Relations
To hold hearings to examine the nominations of Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, and Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.
SD–419

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of the Treasury.
SD–192

MAY 10

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.
SD–366

Indian Affairs
Business meeting to consider pending legislative business.
SR–485

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine a status report on reform efforts by the Under Secretary of Homeland Security for Management.
SD–342

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the effects of climate change and ocean acidification on living marine resoucres.
SR–253

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of State and foreign operations.
SD–192

2 p.m.
Judiciary
To hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine violent Islamist extremism, focusing on government efforts to defeat it.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 16

10 a.m.
Judiciary
To hold hearings to examine rogue online pharmacies, focusing on the growing problem of internet drug trafficking.
SD–226

Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

2:30 p.m.
Small Business and Entrepreneurship
Business meeting to markup S. 1256, to amend the Small Business Act to reauthorize loan programs under that Act.
SR–428A

MAY 17

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR–253

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on health legislation.
SD–562

POSTPONEMENTS

MAY 4

9:30 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine Russia, focusing on the reemergence of Russia as a major political and economic power.
CHOB311

Daily Digest

HIGHLIGHTS

House committees ordered reported 22 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S5439–S5524

Measures Introduced: Fourteen bills and one resolution were introduced, as follows: S. 1262–1275, and S. Con. Res. 30. **Page S5497**

Measures Passed:

Public Service Recognition Week: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. Res. 150, expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 7 through 13, 2007, and the resolution was then agreed to. **Pages S5523–24**

Measures Considered:

Prescription Drug User Fee Amendments: Senate continued consideration of S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and taking action on the following amendments proposed thereto: **Pages S5444–92**

Adopted:

DeMint Amendment No. 1018, to amend the notification provision with respect to drugs deemed to have risk evaluation and mitigation strategies. **Pages S5469–70, S5471–72**

By a unanimous vote of 94 yeas (Vote No. 149), Durbin Modified Amendment No. 1022, to ensure the safety of human and pet food. **Pages S5478–82**

Schumer Amendment No. 1025, to express the sense of the Senate with respect to follow-on biologics. **Page S5485**

Rejected:

By 41 yeas and 53 nays (Vote No. 148), Allard Amendment No. 982, to strike provisions related to market exclusivity. **Pages S5445–52, S5455–61**

Pending:

Landrieu Amendment No. 1004, to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella. **Page S5444**

Dorgan Amendment No. 990, to provide for the importation of prescription drugs. **Pages S5444, S5452–53, S5461–69, S5470–71, S5472–73, S5474–78**

Cochran Amendment No. 1010 (to Amendment No. 990), to protect the health and safety of the public. **Pages S5444, S5490**

Stabenow Amendment No. 1011, to insert provisions related to citizens petitions. **Pages S5433–55, S5474, S5490–91**

Brown (for Brownback/Brown) Amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases. **Pages S5473–73**

Vitter Amendment No. 983, to require counterfeit-resistant technologies for prescription drugs. **Pages S5482–85**

Inhofe Amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school. **Pages S5487–88**

Gregg/Coleman Amendment No. 993, to provide for the regulation of Internet pharmacies. **Pages S5488–90**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, May 3, 2007; that there be one hour for debate, equally divided and controlled between the Majority and Republican Leader, or their designees; that Senate vote on the motion to invoke cloture on Dorgan Amendment No. 990 (listed above); provided further that Senators be authorized to file second-degree amendments until 10 a.m., on Thursday, May 3, 2007. **Page S5524**

Messages From the House: **Page S5494**

Measures Referred: **Page S5494**

Measures Placed on the Calendar: **Page S5494**

Petitions and Memorials: **Pages S5495–97**

Executive Communications: Pages S5494–95

Executive Reports of Committees: Page S5497

Additional Cosponsors: Pages S5497–99

Statements on Introduced Bills/Resolutions: Pages S5499–S5510

Additional Statements: Page S5494

Amendments Submitted: Pages S5510–22

Authorities for Committees to Meet: Page S5523

Privileges of the Floor: Page S5523

Record Votes: Two record votes were taken today. (Total—149) Pages S5461, S5482

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:24 p.m., until 9:30 a.m. on Thursday, May 3, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5524.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: GLOBAL HEALTH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2008 for global health, after receiving testimony from Michael O. Leavitt, Secretary, Stephen B. Blount, Director, Coordinating Office of Global Health, Centers for Disease Control and Prevention, and Roger I. Glass, Director, Fogarty International Center, National Institutes of Health, all of the Department of Health and Human Services.

APPROPRIATIONS: DEFENSE INTELLIGENCE

Committee on Appropriations: Subcommittee on Defense concluded a closed hearing to examine proposed budget estimates for fiscal year 2008 for defense intelligence, after receiving testimony from Mike McConnell, Director of National Intelligence; James R. Clapper, Under Secretary of Defense for Intelligence.

BUDGET: DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine the Department of Energy atomic energy defense programs in review of the Defense Authorization Request for Fiscal Year 2008, after receiving testimony from James A. Rispoli, Assistant Secretary for Environment Management, Glenn S. Podonsky, Chief Health, Safety and Security Officer, both of the Department of Energy.

SCIENCE NOBEL LAUREATES

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Innovation concluded a hearing to examine the 2006 Nobel Laureates, after receiving testimony from John C. Mather, Chief Scientist, Science Mission Directorate, National Aeronautics and Space Administration; George F. Smoot III, Lawrence Berkeley National Laboratory, Department of Energy; Andrew Fire, and Roger Kornberg, both of Stanford University School of Medicine, Stanford, California; and Craig C. Mello, University of Massachusetts Medical School, Worcester.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following:

An original bill to enhance the energy security of the United States by promoting biofuels; and

The nomination of Steven Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer, Department of Energy.

MEDICARE PRESCRIPTION DRUG BENEFITS

Committee on Finance: Committee concluded a hearing to examine the Medicare prescription drug benefit, focusing on monitoring early experiences, after receiving testimony from Kris Gross, Iowa Insurance Division, Des Moines; Vicki Gottlich, Center for Medicare Advocacy, Inc., and Timothy L. Tucker, American Pharmacists Association, both of Washington, D.C.; and Tobey T. Schule, Sykes Pharmacy, Kalispell, Montana.

INTERNATIONAL TRAVEL DOCUMENTS

Committee on the Judiciary: Subcommittee on Terrorism, Technology and Homeland Security concluded a hearing to examine strengthening the security of international travel documents, focusing on interrupting terrorist travel activities, and S. 276, to strengthen the consequences of the fraudulent use of United States or foreign passports, after receiving testimony from Andrew T. Simkin, Director, Office of Fraud Prevention Programs, Bureau of Consular Affairs, and Patrick D. Donovan, Assistant Director for Diplomatic Security, Director of Domestic Operations, Bureau of Diplomatic Security, both of the Department of State; Michael P. Everitt, Unit Chief, Forensic Document Laboratory, U.S. Immigration and Customs Enforcement, and Paul Morris, Executive Director, Admissibility Requirements and Migration Control, Office of Field Operations, U.S. Customs and Border Protection, both of the Department of Homeland Security; Ronald K. Noble, Interpol, Lyon, France; and Clark Kent Ervin, Aspen Institute, and Brian Zimmer, Kelly, Anderson, and Associates, both of Washington, D.C.

NURSING HOME REFORM ACT

Special Committee on Aging: Committee concluded a hearing to examine the Nursing Home Reform Act (Public Law 100–203), focusing on accomplishments of the Act and the challenges that remain, after receiving testimony from Kathryn G. Allen, Director, Health Care, Government Accountability Office; James Randolph Farris, Dallas Regional Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Orlene Christie, Michigan Department of Community Health, Lansing; Charlene Harrington, University of California San Francisco; Alice H. Hedt, National Citizen's Coalition for Nursing Home Reform, Washington, D.C.; and Mary Ousley, Ousley and Associates, Richmond, Kentucky, on behalf of the American Health Care Association.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 2102–2121; and 5 resolutions, H. Res. 362–363, 365–367, were introduced.

Pages H4415–16

Additional Cosponsors: **Pages H4416–17**

Reports Filed: Reports were filed today as follows:

H.R. 982, to promote democratic values and enhance democracy (H. Rept. 110–119) and

H. Res. 364, providing for consideration of H.R. 1592, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes (H. Rept. 110–120). **Page H4415**

Investigative Subcommittees—Appointment: The Chair read a letter from Mr. Boehner, Minority Leader, whereby he designated the following Members to be available for service on investigative subcommittees of the Committee on Standards of Official Conduct during the 110th Congress: Representatives Rob Bishop, Blackburn, Crenshaw, Lincoln Diaz-Balart, English, Latham, Lucas, Myrick, Simpson, and Walden. **Pages H4300–01**

Technology Innovation and Manufacturing Stimulation Act of 2007—Rule for Consideration: The House agreed to H. Res. 350, the rule providing for consideration of H.R. 1868, to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, by a yea-and-nay vote of 226 yeas to 189 nays, Roll No. 275, after agreeing to order the previous question. **Pages H4302–06, H4314–15**

Presidential Veto Message—U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007: Read a message from the President wherein he announced his veto of H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and explained his reasons therefor—ordered printed (H. Doc. 110–31). **Page H4315**

Subsequently, the House voted to sustain the President's veto of H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, by a yea-and-nay vote of 222 yeas to 203 nays, with 1 voting "present", Roll No. 276 (two-thirds of those present not voting to override). **Pages H4315–26**

Subsequently, the message and the bill were referred to the Committee on Appropriations.

Page H4326

Improving Head Start Act of 2007: The House passed H.R. 1429, to reauthorize the Head Start Act, to improve program quality, and to expand access, by a recorded vote of 365 ayes to 48 noes, Roll No. 285. **Pages H4326–79**

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 195 ayes to 222 noes, Roll No. 284. **Pages H4376–78**

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 the original bill for the purpose of amendment. **Page H4336**

Agreed to:

Eddie Bernice Johnson (TX) amendment (No. 1 printed in H. Rept. 110–116) that instructs the Secretary of HHS to create partnerships between Head Start and the Historically Black Colleges and Universities; **Pages H4353–54**

Kennedy amendment (No. 6 printed in H. Rept. 110–116) that defines "inclusive classrooms" as Head Start classrooms that include both children with disabilities and children without disabilities;

Pages H4362–63

Porter amendment (No. 8 printed in H. Rept. 110–116) that requires that Head Start grantees, before hiring individuals, obtain (1) a state, Federal, or tribal criminal record check in all jurisdictions where the grantee provides services, (2) a state, Federal, or tribal criminal record check as required by the jurisdictions where they provide services, or (3) a criminal record check as otherwise required by Federal law; **Pages H4364–65**

Cuellar amendment (No. 10 printed in H. Rept. 110–116) that requires the States or agencies that administer the Head Start program to describe the type of assessment used to determine the rate of progress made by students with Limited English Proficiency; **Page H4366**

Space amendment (No. 12 printed in H. Rept. 110–116) that amends the criteria for the allocation of resources for technical assistance and training to include consideration of barriers in rural areas to professional development, parent involvement, home visits and health screening; **Pages H4369–71**

Sestak amendment (No. 3 printed in H. Rept. 110–116) that authorizes the Secretary of Education to carry out a program to forgive student loans for Head Start and Early Head Start teachers who have earned a bachelor's degree in a field related to early childhood education and who commit to teach in the program for a minimum of 3 years (by a recorded vote of 312 ayes to 107 noes, Roll No. 278); **Pages H4358–60, H4371–72**

Hirono amendment (No. 4 printed in H. Rept. 110–116) that revises the training and technical assistance program for Early Head Start by ensuring that training and technical assistance are provided by entities with specific expertise in infant and toddler development and also directs 50 percent of training and technical assistance funds directly to the grantees for the purposes of program improvement (by a recorded vote of 372 ayes to 50 noes, Roll No. 279); **Pages H4360–61, H4372–73**

Carnahan amendment (No. 9 printed in H. Rept. 110–116) that provides that, in the event that the amounts appropriated to carry out the program do not exceed the funds appropriated for the prior year, Head Start grantees may negotiate with the Secretary a reduced funded enrollment level if the grantee can demonstrate that such reduction is necessary to maintain the quality of service (by a recorded vote of 253 ayes to 171 noes, Roll No. 282); and **Pages H4365–66, H4374–75**

Shuler amendment (No. 11 printed in H. Rept. 110–116) that outlines the history and importance of allowing faith-based and community-based organizations to participate in Head Start programs and inserts language into the Head Start Reauthorization that explicitly states that faith-based and community-based organizations will continue to be eligible to participate in the Head Start program on the same basis as other organizations (by a recorded vote of 229 ayes to 195 noes, Roll No. 283). **Pages H4366–69, H4375**

Rejected:

Price (GA) amendment (No. 2 printed in H. Rept. 110–116) that sought to allow eight States to coordinate Head Start with State-run early childhood development programs through a demonstration program (by a recorded vote of 165 ayes to 254 noes, Roll No. 277); **Pages H4354–58, H4371**

Mica amendment (No. 5 printed in H. Rept. 110–116) that sought to amend Section 18 of the bill to require that the Secretary certify that at least 50 percent of all Head Start teachers nationwide meet certain degree requirements by September 30, 2011, two years earlier than required under the current legislation (by a recorded vote of 137 ayes to 286 noes, Roll No. 280); and **Pages H4361–62, H4373**

Putnam amendment (No. 7 printed in H. Rept. 110–116) that sought to strike the development and implementation of the application review system, including the expert panel provision and also sought to strike designation when no entity has priority and instead designates competition—calling for the automatic recompetition for agency designation every five years, regardless of performance (by a recorded vote of 161 ayes to 262 noes, Roll No. 281). **Pages H4363–64, H4373–74**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4379**

H. Res. 348, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 226 yeas to 196 nays, Roll No. 274, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 194 nays, Roll No. 273. **Pages H4306–14**

Suspension: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, May 1st:

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience: H. Res. 243, amended, to call on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, by a ⅔ yea-and-nay vote of 404 yeas with 3 voting ''present'', Roll No. 286. **Page H4379**

Agreed to amend the title so as to read: ''Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, Le Quoc Quan, and other political prisoners and prisoners of conscience, and for other purposes.''. **Page H4379**

National Science Foundation Authorization Act of 2007: The House passed H.R. 1867, to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, by a recorded vote of 399 ayes to 17 noes, Roll No. 295. **Pages H4380–H4411**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as the original bill for the purpose of amendment. **Page H4384**

Agreed to:

Ehlers amendment (No. 6 printed in the Congressional Record of May 1, 2007) that adds a new section at the end of the bill relating to the sense of Congress regarding the mathematics and science partnership programs of the Department of Education and the NSF; **Pages H4402–04**

McNerney amendment (No. 3 printed in the Congressional Record of May 1, 2007) that establishes a new program to award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions to enhance the quality of undergraduate science, mathematics, engineering, and technology education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, mathematics, engineering, or technology; **Page H4402**

Honda amendment (No. 1 printed in the Congressional Record of May 1, 2007) that adds a new subsection at the end of section 3 on global warming education (by a recorded vote of 252 ayes to 165 noes, Roll No. 288); and **Pages H4385, H4406**

Matsui amendment (No. 8 printed in the Congressional Record of May 1, 2007) that provides grant supplements, on a competitive, merit-reviewed basis, to institutions receiving awards under the Integrative Graduate Education and Research Traineeship program (by a recorded vote of 232 ayes to 186 noes, Roll No. 293). **Pages H4400–02, H4409–10**

Rejected:

Garrett (NJ) amendment (No. 10 printed in the Congressional Record of May 1, 2007) that sought to limit funds for research related to reproductive aging and diet and social stratification; **Pages H4395–96**

Sullivan (OK) amendment to the Honda amendment that sought to insert a new paragraph after paragraph 1 of the Honda amendment to clarify that materials, exhibits, and multimedia presentations shall reflect the diversity of scientific opinion (by a recorded vote of 166 ayes to 250 noes, Roll No. 287); **Pages H4385–86, H4405–06**

Campbell (CA) amendment (No. 5 printed in the Congressional Record of May 1, 2007) that sought to prohibit the use of funds in the bill for specified research activities (by a recorded vote of 195 ayes to 222 noes, Roll No. 289); **Pages H4388–91, H4406–07**

Campbell (CA) amendment (No. 4 printed in the Congressional Record of May 1, 2007) that sought to reduce funds authorized in section 3 by 1 percent (by a recorded vote of 115 ayes to 301 noes, Roll No. 290); **Pages H4391–92, H4407–08**

Garrett (NJ) amendment (No. 11 printed in the Congressional Record of May 1, 2007) that sought to reduce funds authorized in section 3 by 0.5 percent (by a recorded vote of 126 ayes to 292 noes, Roll No. 291); **Pages H4392–95, H4408**

Flake amendment (No. 7 printed in the Congressional Record of May 1, 2007) that sought to strike section 6 (by a recorded vote of 128 ayes to 290 noes, Roll No. 292); and **Pages H4396–98, H4409**

Price (GA) amendment (No. 2 printed in the Congressional Record of May 1, 2007) that sought to add a new section at the end of the bill relating to requirement of offsets (by a recorded vote of 183 ayes to 235 noes, Roll No. 294). **Pages H4404–05, H4410**

Point of Order sustained against:

Weldon (FL) amendment (No. 9 printed in the Congressional Record of May 1, 2007) that sought to insert two new paragraphs relating to limitations. **Pages H4386–87**

H. Res. 349, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question. **Pages H4301–02**

Amending the Rules of the House: The House agreed by unanimous consent to H. Res. 363, amending the Rules of the House of Representatives to clarify certain matters relating to official conduct. **Pages H4411–12**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4417–18.

Quorum Calls—Votes: Five yea-and-nay votes and eighteen recorded votes developed during the proceedings of today and appear on pages H4313, H4314, H4314–15, H4325–26, H4371, H4371–72, H4372–73, H4373, H4373–74, H4374–75, H4375, H4377–78, H4378, H4379, H4405–06, H4406, H4407, H4407–08, H4408, H4409, H4409–10, H4410, and H4411. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at midnight.

Committee Meetings

USDA'S SECURITY BRANCH

Committee on Agriculture: Held a hearing on review of the USDA's release of program beneficiaries' Social Security numbers and the Department's information systems, generally. Testimony was heard from Charles Christopherson, Chief Financial Officer, USDA.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies Appropriations held a hearing on Farm and Foreign Agricultural Services. Testimony was heard from the following officials of the USDA: Mark E. Keenum, Under Secretary, Farm and Foreign Agricultural Services; Teresa A. Lasseter, Administrator, Farm Service Agency; Eldon Gould, Administrator, Risk Management Agency; and W. Scott Steele, Budget Officer.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on the Defense Health Program Overview. Testimony was heard from the following officials of the Department of Defense: S. Ward Casscells, MD, Assistant Secretary, Health Affairs; MG Gale S. Pollock, USA, M.D., Acting Surgeon General, U.S. Army; VADM Donald C. Arthur, USN, M.D., Surgeon General, U.S. Navy; and LTG James G. Roudebush, USAF,. MD, Surgeon General, U.S. Air Force.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Committee on Armed Services: Subcommittee on Air and Land Forces approved for full Committee action H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Committee on Armed Services: Subcommittee on Military Personnel approved for full Committee action H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Strategic Forces approved for full Committee action H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

PROTECTING CONSUMER ACCESS TO GENERIC DRUGS ACT OF 2007

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 1902, Protecting Consumer Access to Generic Drugs Act of 2007. Testimony was heard from Jon Leibowitz, Commissioner, FTC; and public witnesses.

BIOSIMILAR MEDICINES POLICY

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Assessing the Impact of a Safe and Equitable Biosimilar Policy in the United States." Testimony was heard from Janet Woodcock, M.D., Deputy Commissioner and Chief Medical Officer, FDA, Department of Health and Human Services; and public witnesses.

INDUSTRIAL BANK HOLDING COMPANY ACT OF 2007; EXPANDING HOMEOWNERSHIP ACT OF 2007

Committee on Financial Services: Ordered reported as amended, H.R. 698, Industrial Bank Holding Company Act of 2007.

The Committee began markup of H.R. 1852, Expanding American Homeownership Act of 2007.

Will continue tomorrow.

STATE DEPARTMENT COUNTRY REPORTS ON HUMAN RIGHTS

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing to review the State Department's 2006 Country Reports on Human Rights Practices. Testimony was heard from Barry F. Lowenkron, Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State.

CONTESTED ELECTION—13TH DISTRICT OF FLORIDA

Committee on House Administration: The Election Task Force met to discuss matters pertaining to the Contested Election in the 13th Congressional District of Florida.

The following motions were adopted: a motion that the Task Force initiate an investigation of the Florida 13th Congressional District election; adopted a motion authorizing and directing to secure the assistance of the GAO, which shall be requested to design and propose testing protocols to determine the reliability of the equipment used in the FL–13 election, taking into account recommendations by the contestant and contestee; the Task Force shall approve any testing protocols prior to execution by the

GAO. The GAO may procure such expertise and assistance from governmental or non-governmental experts and entities as it deems necessary, and shall report its findings to the task force.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1700, amended, COPS Improvements Act of 2007; H.R. 916, amended, John R. Justice Prosecutors and Defenders Incentive Act of 2007; H.R. 1525, Internet Spyware (I-SPY) Prevention Act of 2007; and H.R. 1615, Security Aircraft Cockpits Against Lasers Act of 2007.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported the following bills: H.R. 1595, amended, Guam World War II Loyalty Recognition Act; H.R. 359, amended, Cesar Estrada Chavez Study Act; H.R. 713, amended, Niagara Falls National Heritage Area Act; H.R. 1100, amended, Carl Sandburg Home National Historic Site Boundary Revision Act of 2007; H.R. 986, amended, Eightmile Wild and Scenic River Act; H.R. 505, Native Hawaiian Government Reorganization Act of 2007; H.R. 487, Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007; H.R. 1114, Alaska Water Resources Act of 2007; H.R. 1080, Grand Teton National Park Extension Act of 2007; and H.R. 1140 South Orange County Recycled Water Enhancement Act.

MEDICAID CHILDREN'S DENTAL PROGRAM

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Evaluating Children's Dentistry Under Medicaid. Testimony was heard from James Cosgrove, Director, Health Care, GAO; Dennis Smith, Director, Center for Medicaid and State Operations, Department of Health and Human Services; Susan Tucker, Executive Director, Office of Health Services, Department of Health and Mental Hygiene, State of Maryland; and public witnesses.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

Committee on Rules: Granted, by vote of 9 to 4, a closed rule. The rule provides 1 hour of debate on H.R. 1592, Local Law Enforcement Hate Crimes Prevention Act of 2007, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment printed in the report, shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill, as amended. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Conyers and Representatives Smith of Texas, Daniel E. Lungren of California, Gohmert and Weldon of Florida.

NASA SPACE SCIENCE PROGRAM

Committee on Science and Technology: Subcommittee on Space and Aeronautics held a hearing on NASA's Space Science Programs: Review of Fiscal Year 2008 Budget Request and Issues. Testimony was heard from Alan Stern, Associate Administrator, Science Mission Directorate, NASA; and public witnesses.

VETERANS BUSINESS DEVELOPMENT ASSISTANCE

Committee on Small Business: Subcommittee on Investigations and Oversight held a hearing entitled "Is the Veterans Corporation Prepared To Provide Entrepreneurial Development Assistance to Service Men and Women Returning From Iraq and Afghanistan? Testimony was heard from William D. Elmore, Associate Administrator, Office of Veterans Business Development, SBA; and public witnesses.

MISCELLANEOUS MEASURES; U.S. ARMY CORPS OF ENGINEERS SURVEY RESOLUTIONS

Committee on Transportation and Infrastructure: Ordered reported the following measures: H. Res. 352, Supporting the goals and ideals of National Public Works Week; H. Con. Res. 79, Authorizing the Use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 123, Authorizing the Use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; H. Con. Res. 124, Authorizing the Use of the Capitol Grounds for the National Peace Officers' Memorial Service; H.R. 1505, amended, To designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building;" H.R. 1773, amended, Safe American Roads Act of 2007. The Committee also approved U.S. Army Corps of Engineers Survey Resolutions.

FISCAL YEAR 2008 INTELLIGENCE AUTHORIZATION ACT

Permanent Select Committee on Intelligence: Met in executive session and ordered reported, as amended, H.R.

2082, Intelligence Authorization Act for Fiscal Year 2008.

COMMITTEE MEETINGS FOR THURSDAY, MAY 3, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Office of the Secretary of the Senate and the Library of Congress, 10 a.m., SD–124.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Housing and Urban Development, 10 a.m., SD–138.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Equal Employment Opportunity Commission, 10 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine the United States Central Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program, with the possibility of a closed session in S–407 following the open session, 9:30 a.m., SD–106.

Subcommittee on SeaPower, to hold closed hearings to examine Navy force structure requirements and programs to meet those requirements in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program; to be immediately followed by an open session in SR–222, 2:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings to examine pending Corporate Average Fuel Economy (CAFE) legislation, 3 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings to examine S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement, 10 a.m., SD–366.

Subcommittee on Public Lands and Forests, to hold hearings to examine S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, S. 647, to designate certain land in the State of Oregon as wilderness, S. 1139, to establish the National Landscape Conservation System, H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes, H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, S. 205, and H.R. 865, bills to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska, 2:30 p.m., SD– 366.

Committee on Finance: to hold hearings to examine offshore tax evasion, focusing on stashing cash overseas, 10 a.m., SD–215.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the internet as a portal to violent Islamist extremism, 10 a.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine S. 310, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, 9:30 p.m., SR–485.

Committee on the Judiciary: business meeting to consider S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 239, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, S. 1202, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, and the nominations of Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit, Roslynn Renee Mauskopf, to be United States District Judge for the Eastern District of New York, Richard Sullivan, to be United States District Judge for the Southern District of New York, and Joseph S. Van Bokkelen, to be United States District Judge for the Northern District of Indiana, 10 a.m., SD–226.

Select Committee on Intelligence: closed business meeting to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Defense, executive, on Mobility Aircraft, 10 a.m., and on Joint Strike Fighter and Tactical Aircraft, 1:30 p.m., H–140 Capitol.

Committee on Armed Services, Subcommittee on Seapower and Expeditionary Forces, to mark up H.R. 1585, National Defense Authorization Act for Fiscal Year 2008, 11 a.m., 2212 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 1585, National Defense Authorization Act for Fiscal Year 2008, 9 a.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Health, Employment, Labor and Pensions, hearing on Retirement Security: Strengthening Pension Protections, 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''Facilitating the Transition to a Smart Electric Grid,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, to continue markup of H.R. 1852, Expanding American Homeownership Act of 2007, 9:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Europe and the Subcommittee on Terrorism, Nonproliferation and Trade, joint hearing on Do the United States and Europe Need A Missile Defense System? 1 p.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights, and Oversight and the Subcommittee on Middle East and South Asia, joint hearing on Arab Opinion on American Policies, Values, and People, 9:30 a.m., 2172 Rayburn.

Committee on House Administration, to consider the following: H.R. 811, Voter Confidence and Increased Accessibility Act of 2007; *Russell v. Brown-Waite* (FL–5); *Gonzalez v. Diaz-Balart* (FL–21); *Curtis v. Feeney* (FL–24); and *Cox v. McCrery* (LA–4), 11 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to continue hearings on the Continuing Investigation into the U.S. Attorneys Controversy, 9:30 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 660, Court Security Improvement Act of 2007, 10 a.m., 2237 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on the U.S. Economy, U.S. Workers, and Immigration Reform, 3 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on the Convention of International Trade in Endangered Species (CITES) as a precursor to the Conference of the Parties, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing on Waste, Fraud, and Abuse in the Federal Crop Insurance Program; and to consider provisions of titles IV, V, and X of H.R. 1684, Department of Homeland Security Reauthorization Act for Fiscal Year 2008, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Reorienting the U.S. Global Change Research Program Toward a user-driven research endeavor, H.R. 906, Global Change Research Data Management Act of 2007, 2 p.m., 2318 Rayburn.

Subcommittee on Investigations and Oversight, hearing on Transitioning the Environmental Measurements Laboratory to the Department of Homeland Security, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''The Impact of Renewable Energy Production in Rural America,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on The SouthEast Crescent Authority, The Northern Border Economic Development Commission, and the Southwest Regional Border Authority, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Accelerated Education Benefits for Veterans, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on financial assistance programs for low-income Medicare beneficiaries, 10 a.m., 1100 Longworth.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Economic Impacts of Global Warming: Part I—Insurance,'' 9:30 a.m., 2359 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 3

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1082, Prescription Drug User Fee Amendments, and vote on the motion to invoke cloture on Dorgan Amendment No. 990, at approximately 10:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 3

House Chamber

Program for Thursday: Consideration of H.R. 1592—Local Law Enforcement Hate Crimes Prevention Act of 2007 (Subject to a Rule) and H.R. 1868—Technology Innovation and Manufacturing Stimulation Act of 2007 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Berman, Howard L., Calif., E928
Bishop, Sanford D., Jr., Ga., E931
Bordallo, Madeleine Z., Guam, E920
Boyd, Allen, Fla., E932
Brady, Robert A., Pa., E911
Brown, Corrine, Fla., E915
Burgess, Michael C., Tex., E921, E924
Camp, Dave, Mich., E935
Capps, Lois, Calif., E918
Christensen, Donna M., The Virgin Islands, E926
Cleaver, Emanuel, Mo., E914
Cohen, Steve, Tenn., E911
Costa, Jim, Calif., E913, E926, E934
Courtney, Joe, Conn., E910
Davis, Tom, Va., E928
Delahunt, William D., Mass., E913
Diaz-Balart, Lincoln, Fla., E931
Dingell, John D., Mich., E909
Donnelly, Joe, Ind., E911, E913, E916, E919
Ellison, Kieth, Minn., E935
Ellsworth, Brad, Ind., E924
Farr, Sam, Calif., E911
Feeney, Tom, Fla., E935
Forbes, J. Randy, Va., E914, E919, E929
Frank, Barney, Mass., E910
Gingrey, Phil, Ga., E936
Gonzalez, Charles A., Tex., E933
Graves, Sam, Mo., E922, E925, E927, E929, E931
Green, Al, Tex., E932
Green, Gene, Tex., E927
Holt, Rush D., N.J., E912
Honda, Michael M., Calif., E928
Hoyer, Steny H., Md., E929
Kirk, Mark Steven, Ill., E931, E934
Lantos, Tom, Calif., E913
Larson, John B., Conn., E918
Lynch, Stephen F., Mass., E915
McCollum, Betty, Minn., E922, E925, E927
McDermott, Jim, Wash., E919
McMorris Rodgers, Cathy, Wash., E924
McNulty, Michael R., N.Y., E912
Maloney, Carolyn B., N.Y., E935
Matsui, Doris O., Calif., E931, E934
Miller, George, Calif., E929
Mitchell, Harry E., Ariz., E930
Moran, James P., Va., E924, E926, E927
Neugebauer, Randy, Tex., E915
Oberstar, James L., Minn., E916
Ortiz, Solomon P., Tex., E933
Paul, Ron, Tex., E922, E925
Pearce, Stevan, N.M., E933
Rangel, Charles B., N.Y., E922, E925
Reyes, Silvestre, Tex., E912
Rogers, Mike, Ala., E909, E933
Sarbanes, John P., Md., E917
Scott, Robert C., ''Bobby'', Va., E919, E921
Shimkus, John, Ill., E909
Skelton, Ike, Mo., E910
Sullivan, John, Okla., E930
Tancredo, Thomas G., Colo., E933
Tauscher, Ellen O., Calif., E912
Thompson, Mike, Calif., E934
Van Hollen, Chris, Md., E920
Wilson, Joe, S.C., E930
Wolf, Frank R., Va., E930
Woolsey, Lynn C., Calif., E932

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.