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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. FILNER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 7, 2007.

I hereby appoint the Honorable BOB FILNER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 2 p.m.

PRAYER

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

Lord God, throughout our Nation's history, You have raised up men and women who have seen Your goodness in the beauty of nature and understand Your essential purpose in the unfolding of human events.

Henry Thoreau was an early American hero, and possibly a mystic, who wrote an account of his 2 years spent in quiet solitude at Walden Pond. What he wrote about early America became a classic, but he was an American classic himself.

Thoreau embodied the early spirit of nonconformity in breaking bonds of social hypocrisy. By taking time to seek spiritual truth, he wrapped himself in the beauty of nature and sought escape from a world in which ''the mass of people lead lives of quiet desperation.''

He wrote: ''I went to the woods because I wanted to live deliberately, to confront the essential facts of life and see if I could not learn what life had to teach, and not, when I came to die, discover that I had not lived.''

Lord, awaken America today. Lift the Nation above hypocrisy and enable its people to face the essentials of government, the essentials of religious faith and the power of transformative love and daily service to others.

Renew in us hope, O Lord, so with Thoreau we might say: We live ''with an infinite expectation of the dawn, which does not forsake us in our soundest sleep.'' Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. FALEOMAVAEGA 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 2007.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 4, 2007, at 10:48 a.m.:

Reappointments:

President's Export Council (1)

Appointments:

President's Export Council (2)

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 2007.

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

DEAR MADAM SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of

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Representatives, I herewith designate Ms. Deborah M. Spriggs, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to Sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

These designations shall remain in effect for the 110th Congress or until modified by me.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

GET THERE FIRSTEST WITH THE MOSTEST

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

Mr. POE. Mr. Speaker, does anybody realize there's a war going on out there in the desert sands of Iraq and the rough mountains of Afghanistan? Apparently not, or Congress would be taking care of our troops.

Mr. Speaker, the troops will be out of funds to carry the fight to the enemy by the end of June. So where's the money?

Spending money is what Congress does. Why hasn't this body provided the funds for our troops and equipment and for more personnel?

This is an emergency. Delaying will put our troops at risk. We should authorize the funds now; send equipment now and, if needed, send more troops.

The American people expect our military to do their duty. Well, the American people expect us to do ours as well.

Congress needs to quit talking about supporting the troops and put money where our mouths seem to be.

Nathan Bedford Forrest, successful Confederate general, said it best about winning and victory and the means to do so. He said: ''Get there firstest with the mostest.''

Congress needs to send the generals the mostest, Mr. Speaker, needs to send equipment and personnel that is needed. Doing this will help our mission in spite of the Congressional Surrender Group's desire to retreat and quit.

And that's just the way it is.

CONGRATULATIONS TO PRESIDENT-ELECT NICOLAS SARKOZY

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to congratulate President-elect Nicolas Sarkozy, who the state newspaper has recognized as a ''blunt and uncompromising pro-American conservative.''

As a person of French heritage, I welcome this change of course in France. We appreciate that France was our first ally in the American Revolution, as symbolized by the portrait of the Marquis de Lafayette here in the Chamber. France is a major investor in America, and I am grateful the midlands of South Carolina is home to three Michelin plants.

America and France have a common enemy in the global war on terrorism, and we have mutually beneficial goals of economic development for our citizens. The French Caucus in Congress looks forward to promoting our vibrant partnership.

The election of Nicolas Sarkozy is a welcomed change to restore the warm relationship America desires with France.

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

COMMUNICATION FROM STAFF MEMBER OF HON. DAVID PRICE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dave Russell, District Liaison, Office of the Honorable DAVID PRICE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 2007.

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

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a judicial subpoena for trial testimony issued by the Orange County, North Carolina District Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DAVE RUSSELL,
District Liaison.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING AND WELCOMING THE LEADERS OF THE PACIFIC ISLANDS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 355) recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 355

Whereas the United States is a Pacific nation;

Whereas the East-West Center, as established by the United States Congress in 1960, contributes to a peaceful, prosperous, and just Asia Pacific community by conducting cooperative research, education, and dialogue programs on critical issues of common concern to the Asia Pacific region and the United States;

Whereas the Pacific Islands Conference of Leaders was created in 1980 at the East-West Center, which sponsors and supports this regional institution through its Pacific Islands Development Program;

Whereas the Pacific Islands Conference of Leaders is the most broadly-based regional cooperation institution in the Pacific, including 20 leaders from both independent Pacific island nations and other Pacific governments;

Whereas for the first the time in its history, through the cooperation of the East-West Center, the Department of State, and Congress, the Pacific Islands Conference of Leaders is convening May 7, 2007, through May 9, 2007, in Washington, D.C.;

Whereas the United States has maintained deep and enduring relations with the peoples of the Pacific islands during times of peace and war and is linked to the Pacific not only through geography but also through common interest and values;

Whereas the governments of the Pacific Islands Region are key partners with the United States in combating terrorism in all its forms;

Whereas the United States and the Pacific island nations can enhance their cooperation in many other areas, including mutually beneficial trade and economic relationships, tourism, environmental protection, maintenance of fisheries, and other maritime resources, addressing climate change, democracy and good governance, and combating the spread of infectious diseases; and

Whereas there are increasing numbers of Americans of Pacific islander ancestry making myriad contributions to America's dynamism and diversity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and welcomes the leaders of the Pacific Islands to Washington, D.C.; and

(2) commends the East-West Center for hosting the Pacific Islands Conference of Leaders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution.

I would like to thank my good friend, the gentleman from Texas, for his assistance in managing this important legislation now before our colleagues.

I would also like to thank our distinguished chairman of the House Foreign

Affairs Committee, Mr. TOM LANTOS, for his support of this resolution which recognizes and welcomes the leaders of the Pacific Island nations to Washington, D.C., and certainly commends the East-West Center for hosting the Pacific Island Conference of Leaders.

The Pacific Island Conference of Leaders represents some 14 island nations, three French territories and three U.S. territories, including American Samoa. Each year these leaders meet at the East-West Center in Honolulu; but for the first time this year, this conference is being held here in our Nation's Capital.

Because this is a significant occasion, I want to thank our distinguished senior ranking member of the House Foreign Affairs Committee, Ms. ROS-LEHTINEN, as well as the ranking minority member of the House Foreign Affairs Subcommittee on Asia and the Pacific and the Global Environment, my good friend Mr. MANZULLO, for their support of this resolution.

I also thank the 24 Members, our distinguished colleagues, who joined us in cosponsoring this historic resolution, including Congresswoman MADELEINE BORDALLO of Guam. I also commend members of the Hawaii congressional delegation, Senator DANIEL INOUYE, Senator DANIEL AKAKA, Congressman NEIL ABERCROMBIE and Congresswoman MAZIE HIRONO, for their leadership in support of this legislation and other events and activities that will make the visit of our Pacific Island Leaders to Washington more meaningful and productive.

I especially want to thank also Governor Linda Lingle of the State of Hawaii for her support and for her cohosting one of the important events that have been featured here while the guests are here in Washington.

Mr. Speaker, I would also like to commend Dr. Charles Morrison, president of the East-West Center and members of his staff, Dr. Sitiveni Halapua, and Dr. Gerard Finin for their hard work in arranging meetings that are being held right now, as I speak, with officials of the U.S. Department of State and other agencies of the Federal Government.

I want to especially thank our Secretary of State, Condoleezza Rice, for taking the time from her busy schedule to meet with our guests from the Pacific, and also Assistant Secretary of State, Chris Hill, and Deputy Assistant Secretary of State, Glyn Davies, and their staffs for arranging appropriate meetings with other officials representing the various agencies of the administration.

Mr. Speaker, this is truly a historical day in our Nation's Capital. With the exception of Australia and New Zealand, this is the first time in our country's history that this number of leaders representing the Pacific region are here as a group to meet with us and to discuss issues that are mutually important to them, as well as to us.

It was only in the last half century that our Nation was engaged in one of the bloodiest wars ever fought in the Pacific. World War II was fought in two fronts, one in Europe and the other in the Pacific. In the islands of the Solomons, where Guadalcanal, as some of you may have heard, is located in the Pacific, so are the Marshall Islands, the islands of Samoa, the Philippines, Papua, New Guinea, Palau, Guam, Saipan, Tinian, Rota, Tarawa, Midway, Borneo, Okinawa, Iwo Jima and several others. People of the Pacific played critical roles in U.S. efforts to fight Japanese military forces in response to the attack on Pearl Harbor on December 7, 1941.

After World War II, with the exception of Guam, the United States unilaterally declared the rest of Micronesia as a strategic trust, which meant that these islands were placed under the jurisdiction and protection of the United States.

But a national debate also began as a result of the devastation and the loss of some 200,000 lives when we dropped two atom bombs by our military that conducted this arrangement, where two atom bombs were dropped on the cities of Hiroshima and Nagasaki.

While the atom bombs brought an immediate end to World War II in the Pacific, scientists and political leaders in our country debated whether or not nuclear energy was to be used for military or peaceful purposes.

□ 1415

Although the military won its bid to conduct a nuclear testing program, the question was, where are we going to conduct the testing? Since it was obviously too dangerous to explode atomic bombs in any of the States in the continental United States, it was determined that a place far and away was needed, and thus the U.S. military command chose the Marshall Islands as the place to conduct our nuclear testing program.

I submit, Mr. Speaker, that I am not sure if my colleagues are aware of the fact that the U.S. exploded some 67 nuclear bombs in the Marshall Islands. This also included the explosion of the first hydrogen bomb ever in the history of the world. In layman's terms, you must first explode an atomic bomb as a trigger to explode a hydrogen bomb. The hydrogen bomb that the U.S. exploded in the Marshall Islands in 1954 was known as the Bravo Shot, and it was measured as a 15-megaton nuclear device, a thousand times more powerful than the atom bombs we dropped on Hiroshima and Nagasaki.

I submit to my colleagues in the House, at the height of the Cold War, the people of the Marshall Islands made tremendous sacrifices of their properties and, above all, of themselves after being exposed to nuclear radiation. To this day, our government, Mr. Speaker, with all its honor and glory, has not made good our promises to properly compensate these people for the loss of their properties and to provide adequate medical care, especially to those who were directly exposed to nuclear radiation as a result of our nuclear testing program.

In the near future, I will be proposing a bill that will address the needs of the people of the Marshall Islands as a result of our nuclear testing program, and I am hopeful that my colleagues will support me in this effort.

Some of my colleagues have asked me, why should the United States take an interest in these small islands out there in the middle of the Pacific? I need not repeat myself on the importance of these islands during World War II, and I have just shared with my colleagues the tremendous sacrifices the leaders and the people of the Marshall Islands made for the success of our nuclear testing program. I have also pointed out the shameful neglect on the part of our Nation to properly address the property rights and health care needs of these people who were exposed. All of them were exposed to nuclear radiation.

Having said this, I want to reemphasize the Pacific Islands were valuable to our Nation during World War II, and, believe me, these nations will be valuable to us again in the future. We fool ourselves if we believe we do not need allies in a volatile region that covers one-third of the world's surface.

We need the Pacific Island nations as they need us. The people of the Pacific nations do not want handouts, but they want equal treatment, respect, and economic assistance will be beneficial to them as well as to us. The seabed minerals within the exclusive economic zones of these island nations are worth hundreds of billions of dollars, but their potential use is priceless if together we can find ways to harness these resources. The same can be said of their fisheries and marine resources, which will continue to be an inestimable worth as the world struggles to feed a growing population.

There are many other areas in which we can work together if we can begin to establish even a USAID program in the Pacific region. As chairman of the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, I look forward to working with my colleagues to bring about needed and necessary changes in our current relations with our Pacific Island neighbors.

On this historic occasion, Mr. Speaker, I also welcome these leaders to our Nation's Capital, and I urge my colleagues to support this proposed legislation.

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

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

Mr. Speaker, I want to thank the gentleman from American Samoa for sponsorship of this resolution and Mr. LANTOS, the chairman, and the ranking member from Florida (Ms. ROS-LEHTINEN).

Today I rise to offer my endorsement of a resolution that recognizes the enduring ties of the United States and

the Pacific Island nations. Our Nation's links with the Pacific Islands extend back to the earliest days of the American Republic, when New England whalers, symbolized by Captain Ahab, sailed in the South Pacific. In those early days, clipper ships also set sail from American ports across the Pacific in pursuit of the China trade. American missionaries soon followed, journeying to the Pacific Islands to deepen the cultural and religious ties between our two peoples.

Our bonds to our Pacific neighbors have been further enhanced by their ethnic and historic links to our 50th State, Hawaii, America's gateway to the Pacific.

When war came to the Pacific at Pearl Harbor on that day of infamy, December 7, 1941, the peoples of the Pacific joined the United States in turning back the threat of the invader. It was two Solomon Islanders who bravely carried a coconut hidden in a canoe through enemy lines with the immortal words: ''Commander . . . native knows position . . . he can pilot . . . 11 alive . . . need small boat . . . Kennedy.''

The rescue of the crew of PT–109, including a future President of the United States, John F. Kennedy, is remembered as one of the great epic stories of the war in the Pacific.

In the six decades since the end of that war, our diplomatic, commercial and cultural ties have grown steadily with our Pacific neighbors. One legacy of the American President rescued by the Pacific Islanders has been the Peace Corps, which has sent volunteers to work together with the peoples of the Pacific for the past 40 years.

The East-West Center in Hawaii, established by the United States Congress in 1960, has been a vital source for cultural and academic exchange and for a dialogue on critical issues of mutual concern. The center has played a pivotal role in cementing the ties between the peoples of the United States and the peoples of the Pacific Islands. I commend the center for hosting the Pacific Island Conference of Leaders here in Washington, D.C. Therefore, I welcome the opportunity to offer my strong and enthusiastic support for House Resolution 355, welcoming America's good friends, the leaders of the Pacific Islands, to Washington, D.C.

I offer them and the people of the Pacific a warm welcome of ''aloha.''

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

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

I want to thank and commend my good friend, the gentleman from Texas, for a most eloquent statement and observations in terms of our relationship with these Pacific Island nations.

I recall years ago we took a congressional delegation. At that time, the chairman of our Asia and the Pacific Subcommittee of the Foreign Affairs Committee, Congressman Steve Solarz from New York; Congressman Bob Dornan from California; and myself. And we visited the various island nations and found out that we have become somewhat of a nation totally neglectful of our efforts to establish good relations with these island nations.

I recall we visited the Solomon Islands and specifically the Guadalcanal that most Americans have heard in the news of World War II, which was where some of the bloodiest battles were fought there by the Marines against Japanese forces. And in our efforts in trying to find out what can we do on behalf of our country in terms of how we can express a sense of token appreciation to the people of the Solomon Islands for the support they gave us during the famous battles that we had to endure during the war there in Guadalcanal. And in doing so, we came back and submitted to the Congress a proposal that what would be a good gesture on behalf of the people of America would be to build a parliamentary building for the Solomon Islands government. And in doing so, we provided the funding, and I was privileged and honored to accompany the good Senator from Rhode Island, Senator Chafee. And we went over to the Solomon Islands to dedicate this new parliamentary building and found out that Senator Chafee was a 19-year-old Marine fighting enemy forces in Guadalcanal, and it was quite a statement and a very moving experience that I had in noticing one of our national leaders, the great Senator from Rhode Island, revisited Guadalcanal where this battle was fought. And he was there as a 19-year-old Marine. And we did this, and the people of the Solomon Islands were very grateful that we were able to build this new parliamentary building as a token, as a gift, from the people of the United States to commemorate and to remember the tremendous sacrifices not only that our soldiers and our Marines made on these islands but also the support that the people of the Solomon Islands provided us in the war effort.

I also want to commend the Congress. I don't know if our colleagues are aware of the fact that, in 1960, Congress enacted special legislation to establish the East-West Center. And it was a tremendous effort to see what we could do to establish good relations between the East and the Asian countries and that of our own country. And that was the very purpose. To establish exchanges and to establish forums and symposiums to allow the leaders of the nations of Asia and the Pacific region to meet together with our leaders and to see if we could resolve some of the issues and problems confronting the region as well as our own Nation.

So with that, I wanted to just share those two points with our colleagues in the House.

Mr. Speaker, I yield 6 minutes to my good friend, the gentlewoman from the Territory of Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 355, a resolution recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders.

I am encouraged by the strong support that Congress continues to display toward promoting closer political, economic and cultural ties among the islands and the countries of the Pacific region. This resolution is evidence of the East-West Center's excellent work toward facilitating the achievement of those goals.

We have the unique honor this week of hosting a State visit by the Queen of England. She and her husband, Prince Phillip, began their 6-day trip to the United States in Virginia last week. Notably, the Queen addressed the State's General Assembly and visited Jamestown, which is observing the 400th anniversary of the founding of the first permanent English settlement in the Americas.

Indeed, Great Britain and the United States enjoy close, special relations established in revolution, forged in world wars and tempered by peace and economic growth. This is a relationship to cherish. But let us not forget that the United States is fortunate to have formed special relationships elsewhere in the world. Those relationships are similarly important, especially those that we share with the islands of the Pacific region.

Like with Great Britain, the United States shares an ocean with its friends in the Pacific. But we also share common histories, culture and, among other things, a great desire for peace and economic security and prosperity that forge indelible bonds between our peoples. House Resolution 355 recognizes this. The resolution notes the United States is a Pacific nation, and I could not agree more wholeheartedly and firmly. The gaze of the United States must be west. The Pacific Century is undoubtedly upon us, and we are fortunate to have such strong friendships and alliances established there.

The eighth meeting of the Pacific Islands Conference of Leaders, which will occur this week in Washington, D.C., is evidence of the strong relationship that exists between the United States and the islands of the Pacific. The Pacific Islands Conference of Leaders, hosted by the East-West Center with the support of the Department of State, is comprised of 20 heads of government from the Pacific Islands region and meets once every 3 years. The conference members include: American Samoa, the Cook Islands, the Federated States of Micronesia, Fiji Islands, French Polynesia, Guam, Hawaii, Kiribati, the Marshall Islands, Nauru, New Caledonia, Niue, the Northern Mariana Islands, Palau, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu, Vanuatu.

Notably, this is the first time the Pacific Islands Conference of Leaders has been held in Washington, and that the commitment of the United States to the conference could not be stronger or broader is encouraging. Very encouraging.

□ 1430

Interagency delegations to the conference this week will include representatives from the Department of State, the Department of Defense, the United States Agency for International Development, the Office of the U.S. Trade Representative, the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Peace Corps and the Millennium Challenge Corporation. These representatives' participation during the conference will further enhance the already excellent work on the part of their departments and agencies within the region.

Mr. Speaker, we owe special thanks to the East-West Center for its efforts to organize this event. The East-West Center is an education and research organization established by the United States Congress in 1960 in order to strengthen relations and understandings achieved between the United States and the peoples and the countries of Asia and the Pacific.

As noted in House Resolution 355, the center successfully contributes to a peaceful, a prosperous and a just Asia-Pacific community by serving as a vigorous hub for cooperative research, education and dialogue on critical issues of common concern to the Asia-Pacific region and the United States.

The East-West Center has established for itself a strong reputation as an ideal forum for emerging leaders and regional specialists to discuss issues and strengthen relations with their colleagues, and I strongly support their ongoing efforts in this regard.

Representing Guam at the Pacific Islands Conference of Leaders will be the Honorable Felix Camacho, the Governor of Guam, and accompanying him will be his wife, our first lady of Guam, Joann Camacho. I welcome them to our Nation's capital and wish them the best during their discussions with their colleagues from the region.

Guam, both the United States territory and a Pacific Island, is a leader in the region economically, politically and in terms of regional security. Guam, and the perspective of its people, will continue to have a unique and influential role in the region in the years to come as a result of the changing posture of the United States military in the Asia-Pacific region and the increased economic activity that is planned for the island in the coming years. I sincerely hope that the relationship that Guam shares with its Pacific Island partners will grow stronger during this period.

And, finally, Mr. Speaker, I want to thank and recognize our distinguished colleague from American Samoa, Mr. FALEOMAVAEGA, for his leadership as chairman of the Subcommittee on Asia and the Pacific, and the Global Environment. We are all indebted to him for his command of the issues of concern to our allies in the Pacific and for his leadership in strengthening United States foreign defense and economic policy.

I urge adoption of House Resolution 355.

Mr. POE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to once again commend the gentleman from American Samoa for not only bringing forth this resolution, but his work in educating the American public on the Pacific Islands and the need for cooperation with the United States and the Pacific Islands.

He mentioned the Solomon Islands during World War II. The Solomon Islands, among many other island nations in the Pacific, helped the United States combat imperialism. And when the American troops left those islands, many of those nations had to suffer continuously for the destruction that occurred on their islands. And of course there are still Americans who are volunteering from American Samoa and Guam fighting in our American forces overseas. And some Americans sometimes forget that these two areas of our country help in the great war on terror. So I want to commend him for bringing this resolution, and I support the adoption of House Resolution 355.

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

Mr. FALEOMAVAEGA. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. FALEOMAVAEGA. I just wanted to add, as a matter of history here, it was during the 1970s, then-chairman of the House Subcommittee on Territories, the late Congressman Phillip Burton from San Francisco, who initiated the move in terms of finding out how the East-West Center was doing as far as the Pacific Islands were concerned. And as a result of the assistance also from then former Congresswoman Yvonne Brathwaite Burke, who served as a member of the Appropriations Committee, there was greater attention given to the needs of the Pacific Island nations. And I want to commend certainly the former Governor of the State of Hawaii, Governor George Ariyoshi, and the late Prime Minister of Fiji, Sir Ratu Kamisese Mara, for the outstanding leadership that they displayed and demonstrated in establishing this special program now allotting to the needs of our Pacific Island nations. Certainly Governor John Waihee and also Governor Linda Lingle were also very supportive of this effort.

Mr. Speaker, I want to thank again my colleague from Texas for his compliments and the remarks concerning this resolution. And, again, I urge my colleagues to support this resolution.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H. Res. 355, a resolution recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders.

The United States has always had a unique relationship to the Pacific Islands. Not only do they help play a key role in the fight against terrorism, but these governments also aid the U.S. in its overall security. Furthermore, both the U.S. and the Pacific Islands rely on the vast resources of the Pacific basin; these resources while enormous are not unlimited, and management requires cooperation across all of our governments. These islands also work closely with the U.S. on an important environmental and security concern, global climate change, which has the potential to drastically affect all who depend on the Pacific for their livelihood. Furthermore, trade, tourism, and other economic ties further reveal the interdependence between the Pacific Islands and the U.S. The resolution before us recognizes these factors.

As we mark Asian Pacific American (APA) Heritage month, we would also be remiss to not point out that Americans of Pacific Island decent are a rapidly growing ethnic group within the U.S. They add strength to our communities with their diversity and values, and they make important contributions to the U.S. as a whole. The resolution also mentions this important fact.

Furthermore, the resolution discusses the importance of the East-West Center, which runs the Conference of Leaders. Congress established the East-West Center, which is based in my district, in 1960. The East-West Center seeks to establish a dialogue between the peoples and nations of Asia, the Pacific, and the U.S. The East-West Center provides a home for academics who perform vital research that helps all parties better understand each other's history and culture. The Center's Education and Outreach sphere helps disseminate what researchers learn to the broader public and to policymakers. Finally, the Center provides important dialogue programs. Under the effective leadership of Dr. Charles Morrison, the East-West Center continues to address the challenges of the Asian-Pacific 21st Century.

Established in 1980 the East-West Center's Pacific Islands Conference of Leaders grows out of these dialogue programs. It seeks to bring together leaders from the region to discuss many of the issues I mentioned earlier. In the era of growing interdependence between the U.S. and Pacific Island governments, both the work of the Center and the Conference of Leaders becomes more important.

I urge my colleagues to support both this resolution, and provide continued support to the East-West Center.

Mr. MANZULLO. Mr. Speaker, I rise today in support of House Resolution 355 welcoming the Leaders from the Pacific Island nations to the Eighth Pacific Island Conference being held in Washington. I commend my distinguished friend and colleague, Chairman FALEOMAVAEGA, for introducing this resolution.

The United States and the Pacific Island nations share strong economic and cultural ties

that have endured the test of time. The triennial meeting of the Pacific Island Conference is an important event that allows the U.S. to reaffirm its friendship and ties with the 20 nations participating in the Conference. This year's meeting will take place in Washington, DC, for the first time.

Our friends in the Pacific Island nations have stood by us steadfastly during the darkest moments of this Nation's history. A great number of the sons and daughters from the Marshall Islands, Micronesia, and Palau currently serve in the U.S. Armed Forces. They stand side by side with volunteers from American Samoa, the Northern Marianas, Guam, Hawaii, and other states to protect our freedom.

America's ties with the countries in the South Pacific date back centuries from the early days when American whalers sought safety in Fiji and Tonga and continuing through to the Pacific campaign during World War II. To this day, Pacific Island nations represent some of America's strongest allies at the United Nations.

I applaud the Administration and the East West Center for elevating the importance of this year's Pacific Island Conference to the highest level by holding it in our nation's capitol. I look forward to meeting with the Leaders during their visit to Congress.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 355.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. MICHAUD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 124) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 124

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 26th annual National Peace Officers' Memorial Service (in this resolution referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2006.

(b) DATE OF EVENT.—The event shall be held on May 15, 2007, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maine (Mr. MICHAUD) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Maine.

GENERAL LEAVE

Mr. MICHAUD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on House Concurrent Resolution 124.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 124 authorizes the use of the Capitol grounds for the National Peace Officers' Memorial Service. Over 150 Federal, State, and local law enforcement officers killed in the line of duty in 2006 will be honored at this memorial service.

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers' Memorial Day, and the week in which the date falls as Police Week.

The first official memorial service took place on May 15, 1982, at which 91 law enforcement officers were honored. Over the past 26 years, the memorial service has honored over 3,000 law enforcement officers from around our Nation.

Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well-attended events during Police Week. Activities on Capitol grounds conducted under House Concurrent Resolution 124 will be coordinated with the Office of Architect of the Capitol, will be free and open to the public. I support this resolution and urge its passage.

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

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

House Concurrent Resolution 124 authorizes the use of the Capitol grounds for the annual National Peace Officers' Memorial Service to be held Tuesday May 17, 2007. The Grand Lodge of the Fraternal Order of Police and its auxiliary annually sponsor this event honoring some of America's bravest men and women.

Since the first recorded police death in 1792, there have been more than 17,900 law enforcement officers killed in the line of duty. The memorial service will honor the 145 Federal, State, and local law enforcement officers who made the ultimate sacrifice while protecting their communities in 2006, as well as all law enforcement officers who have died in the line of duty.

This will be the 26th time that this event has been held on the grounds of the Capitol. This memorial service is part of National Police Week, which was created by law in 1962 and runs this year from May 8 through May 15.

Police Week draws officers, their families and survivors of fallen officers from around the country and includes such events as the Blue Mass at St. Patrick's Catholic Church, the candlelight vigil at the National Law Enforcement Memorial, and a police unity tour featuring officers and historic vehicles.

The memorial service begins at noon on Tuesday. Following the ceremony on the Capitol Hill grounds, there will be a procession to the Law Enforcement Memorial and a wreath-laying ceremony.

I encourage my colleagues to attend this much deserved memorial service and honor those who protect our communities on the front lines.

I support the measure and encourage my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 124, which authorizes the use of the Capitol grounds for the National Peace Officers' Memorial Service.

Peace officers, the sworn, public-sector officers entrusted with law enforcement authority and the power of arrest, risk their lives daily to protect our nation. These individuals, who are responsible for safeguarding the rights and freedoms we enjoy as Americans, are true heroes.

Peace Officers Memorial Day honors those who have made the ultimate sacrifice for the safety and security of their communities and our nation. Created by Public Law 87–726, signed by President Kennedy in 1962, this day gives us the opportunity to acknowledge and pay our respects to those who, through their courageous deeds, have fallen in the line of duty.

Mr. Speaker, on Sunday, May 13, 2007, 382 names will be added to the National Law Enforcement Officers Memorial during the 19th Annual Candlelight Vigil. These 382 names include 145 officers who died in 2006, plus 237 from earlier years who had previously been lost to history. Of these 382 names, 55 represent Texas law officers who lost their lives in the line of duty, nine of them in 2006.

Mr. Speaker, one of the names of the fallen heroes to be added to the list is Officer Rodney J. Johnson of the Houston Police Department. Officer Johnson, a 12 year veteran of the Houston Police Department, was killed September 21, 2006, while taking a suspect in custody during a traffic stop. He leaves to honor his memory his beloved wife, Houston Police Department Officer Joslyn Johnson, and five teen-age children; three daughters and two sons, ages 14 to 19.

Officer Rodney Johnson was born in Houston and served in the U.S. Army as a military police officer until being honorably discharged in 1990. He then went to work as a corrections officer for the Texas Department of Criminal Justice and then as a jail attendant. He graduated from the Houston police academy in 1994.

As a member of the department's Southeast Gang Task Force, Officer Rodney Johnson earned two Lifesaving Awards and one Medal of Valor from the state of Texas. In January 1998, Officer Rodney Johnson rescued a physically challenged driver trapped in rising floodwaters in January 1998 and later that year he rescued mentally challenged people trapped inside of a burning house.

Officer Rodney Johnson, who stood 6 feet 5 inches tall and weighed nearly 300 pounds, served on his union's board of directors. As Hans Marticiuc, the president of Officer Johnson's union stated, "he was big and he was intimidating-looking, but he was as gentle as a baby bear."

Mr. Speaker, the number of officers killed in the line of duty last year declined nearly 8 percent from 2005, when there were 157 officer deaths. The 2006 figure was the lowest annual total since 1999, when 143 officers were lost.

Although the number of officers killed in the line of duty has declined in recent years, the fact that one officer is killed every two-and-a-half days in our country is a sober reminder that protecting our communities and safeguarding our democracy come at a heavy price. Including this year's officers, there are now 17,917 names engraved on the Memorial, representing officers from all 50 states, the District of Columbia, U.S. territories, and federal law enforcement and military police agencies.

This resolution permits the Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor a free public event, the 26th Annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 2007. This service will honor the law enforcement officers killed in the line of duty during 2006 who have died in the line of duty, as well as the 800,000 officers who continue to serve in federal, state and local law enforcement agencies nationwide.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution. I yield back the balance of my time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maine (Mr. MICHAUD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 124.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GUAM WORLD WAR II LOYALTY RECOGNITION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1595) to implement the recommendations of the Guam War Claims Review Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1595

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Guam World War II Loyalty Recognition Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Recognition of the suffering and loyalty of the residents of Guam.
Sec. 3. Payments for Guam World War II claims.
Sec. 4. Adjudication.
Sec. 5. Grants program to memorialize the occupation of Guam during world war II.
Sec. 6. Authorization of Appropriations.

SEC. 2. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 3. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to section 6(a), after receipt of certification pursuant to section 4(b)(8) and in accordance with the provisions of this Act, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay $7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this Act:

(1) COMPENSABLE GUAM DECEDENT.—The term "compensable Guam decedent" means an individual determined under section 4(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term "compensable Guam victim" means an individual determined under section 4(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 4. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 3.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to

carry out its functions under this Act. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 3 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 3 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this Act. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this Act shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this Act on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 3.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 3 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 3(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 3 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the United States Navy pursuant thereto, or this Act.

(11) PENALTY FOR FALSE CLAIMS.—The provisions of section 1001 of title 18 of the United States Code (relating to criminal penalties for false statements) apply to claims submitted under this subsection.

SEC. 5. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 6(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 3 and 4, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2012, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 5, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 1595, the Guam World War II Loyalty Recognition Act; and I thank Chairman NICK RAHALL and Ranking Member DON YOUNG for their leadership on this issue and their assistance in bringing this bill to the floor today.

I also want to thank Majority Leader STENY HOYER and Chairman JOHN CONYERS of the House Committee on the Judiciary for their support of this bill and for their assistance in expediting its consideration today.

H.R. 1595 implements the recommendations of the Guam War Claims Review Commission, which was authorized by Public Law 107–333 to review the war claims program for Guam, which Congress provided for following the occupation of Guam from December 8, 1941 to July 21, 1944. The review commission, appointed by the Secretary of the Interior, Gale Norton, in September of 2003, was mandated to determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act as compared with awards made to similarly affected United States citizens or nationals in territory occupied by the Imperial Japanese military forces during World War II.

Further, the review commission was mandated to advise on any additional compensation that may be necessary to compensate the people of Guam for death, personal injury, forced labor, forced march and internment. In accomplishing its task, the review commission held two days of hearings on Guam in December of 2003 to receive testimony from survivors of the occupation of Guam. The review commission also held hearings here in Washington, D.C. and consulted with a panel of experts in this field of law. The review commission completed its work and reported to Congress its findings and recommendations on June 9, 2004. The review commission found that there was a lack of parity between the war claims program authorized for Guam versus the programs authorized for all other Americans similarly affected and recommended that Congress remedy this injustice.

I want to quote the first finding of the review commission's report for the benefit of all of my colleagues: ''The review commission finds that there is a moral obligation on the part of our national government to pay compensation for war damages in order to ensure to the extent possible that no single individual or group of individuals bears more than a just part of the overall burden of war.''

□ 1445

Today, Mr. Speaker, we consider a bill that would fulfill this moral obligation on the part of our National Government to a group of citizens, the people of Guam, most of whom were indigenous Chamorros, who bore the burden of a brutal occupation. The people of Guam were brutalized through public executions, beheadings, rape and severe injury, forced labor, forced march and internment in concentration camps.

H.R. 1595 is called the Loyalty Recognition Act because the loyalty of the people of Guam to the United States during this 32-month enemy occupation should be honored. It is a tragic injustice of history that, following liberation, Congress did not provide for war

claims for the people of Guam in the same manner and with the same opportunities that were afforded to other Americans.

The people who carried a disproportionate burden of the war were given less than other Americans when it came time to make our Nation whole, and those who gave more in blood got less in recognition. Over and over at the hearings on Guam, people said, ''We just want to be recognized. We just want to be treated with respect. We just want to receive the same restitution that other Americans received.''

I want to acknowledge the excellent work of the Guam War Claims Review Commission chaired by Mauricio Tamargo, with Members Robert Lagomarsino, a former Member of Congress; Ms. Ruth Van Cleve, Director of the Office of Territories in the Department of Interior; former Chief Justice Ben Benjamin J. Cruz of the Guam Supreme Court; and Senator Antonio Unpingco of the Guam legislature. Their report provided the basis for today's bill, and their contributions are greatly appreciated.

I also want to acknowledge the efforts of my predecessors to bring the war claims issue to the attention of Congress, beginning with our very first Delegate to Congress, the late Mr. Antonio B. Won Pat, followed by the efforts of our second Delegate to Congress, retired Marine Brigadier General Ben Blaz, who is here with us today on the floor to witness this discussion, and my immediate predecessor, Congressman Robert A. Underwood, whose legislation in the 107th Congress created the review commission. Our work today, and the historic progress of the Guam World War II Loyalty Recognition Act, is possible only because of the foundation that each of these contributed to this bipartisan effort.

The issue of Guam war claims has been studied and examined by this body over the past 24 years. Several hearings have been held, and the record is replete with testimony from survivors, legal experts, historians and scholars. Committee staff members have played a valuable role in this process by ensuring the right questions were asked, that Members were briefed, and that the issue was thoroughly examined.

I want to thank Jim Zoia, Staff Director of the Natural Resources Committee, and Tony Babauta, Staff Director of the Insular Affairs Subcommittee. Tony is a Chamorro from Guam, whose insights have been invaluable. I also acknowledge the counsels to the committee, Jeff Petrich, Brian Modeste, Lisa Pittman and Rich Stanton, who have worked very hard on this legislation.

This afternoon, we stand on the brink of a historic moment for the people of Guam. I regret, Mr. Speaker, that many survivors of the occupation of Guam did not live to see this day, and I fear that some will pass away before this bill completes its legislative journey. But we have this moment to recall why we fight this fight, on whose behalf we are speaking today and why it is so vitally important to our Nation that we recognize the incredible sacrifices of the people of Guam during World War II.

I very much doubt that any foreign power will ever again occupy American soil and place American citizens under subjugation. The story of the people of Guam will thus be a unique story, less known than the bombing of Pearl Harbor and other heroic stories of World War II. It is a story of faith in our Nation, of hope in our God and of love for our families.

If I could vote, Mr. Speaker, on final passage of this bill, it would be my greatest honor to recognize the people of Guam by voting to pass this bill. But since I cannot vote as a Delegate, I offer all of my colleagues the honor of recognizing their fellow Americans and passing this bill today.

God bless Guam. God bless the United States of America.

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

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

Mr. Speaker, the majority has adequately explained the bill, and we have no further comment.

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

Ms. BORDALLO. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 1595, the Guam World War II Loyalty Recognition Act. I commend my good friend and colleague, the gentlelady from Guam, for introducing this legislation designed to address the lack of parity in the war claims paid to the residents of the people of Guam as compared to other U.S. citizens or nationals who were similarly affected during World War II.

Mr. Speaker, every Guam Delegate to Congress has spoken about the deficiencies in making Guam whole after World War II. Our former colleagues Antonio Won Pat, General Ben Blaz, and former Congressman Robert Underwood had raised the issue throughout their service in the Congress.

Through the efforts of Congressman Robert Underwood, a commission was established in the 107th Congress to review the historical record of addressing Guam's war claims. After completing its work, the Guam War Claims Review Commission found that a lack of parity existed in the case of war claims for the people of Guam.

These were some of the key findings of the commission:

That the U.S. has a moral obligation to pay proper compensation for war damages.

That there is a lack of parity in war claims for Guam when compared to other war claims programs established by the U.S. Congress.

That Guam was erroneously excluded from coverage under Title II of the War Claims Act.

This legislation is vitally important because it addresses these long-standing inequities against the people of Guam by implementing the recommendations of the Guam War Claims Review Commission. It recognizes the sacrifices made by the people of Guam and their steadfast loyalty to the United States in the face of this adversity. It allows claims for death, personal injury, forced labor, forced marches and internment. It allows compensation to certain survivors of the deceased from the war; and it authorizes the Secretary of the Interior to award grants in support of activities to remember Guam's occupation.

I strongly support this legislation.

I submit to my colleagues, our Nation committed a grave injustice some 60 years ago against the people of Guam. For some unknown and mysterious reason, Mr. Speaker, the native Guamanians, who are U.S. Nationals, U.S. Nationals, meaning owing permanent allegiance to the United States, were not evacuated along with U.S. citizens at the time that they were living in Guam before the arrival of the Japanese forces.

As a result, these patriotic Americans were left to fend for themselves, to contend with the Japanese takeover of the territory of Guam, and for nearly 3 years, the people of Guam were interned and were subjected to extreme tortures, even executions by public, beatings, rapes, forced labor, forced marches.

A good example is right here in our midst, Mr. Speaker, my good friend and former Member of Congress representing the territory of Guam, retired Brigadier General Ben Blaz, at that time was a youth and was part of this forced evacuation. He personally witnessed some of the atrocities that were committed against his people by Japanese military forces.

Our former colleague, Congressman Bob Underwood, also reiterated to our colleagues that some of his close relatives were beheaded in the presence of other people of Guam when this took place for some 3 years, some 3 years. And I can never forget the words echoed by my good friend, the general from Guam, when he said this, ''we are equal in war but not in peace.''

Why, for the life of me, Mr. Speaker, it has taken all these years in simply trying to make this inequity fair and just for the benefit of the people of Guam I do not understand. It is as if these people were aliens or not members of the American family. We have had Guam for how many years? It was a territory of the United States, and this is what we did against these good people of Guam at the time of the war. Why we never evacuated them along with other U.S. citizens to this day is still a question. Why the Navy never

took them out of there before the arrival of the Japanese.

I appeal to my colleagues, Mr. Speaker, that we pass this bill. It is long overdue. For the sake of justice, pass this legislation. I urge my colleagues to support this legislation.

Again, I thank the good lady from Guam for her leadership and sponsorship of this bill.

Mr. LAMBORN. Mr. Speaker, may I inquire if the majority has any more speakers?

Ms. BORDALLO. Mr. Speaker, I have no more speakers. I reserve the balance of my time.

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

Ms. BORDALLO. Mr. Speaker, Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA) for a colloquy.

Mr. FALEOMAVAEGA. Mr. Speaker, it has been said among some of the critics of this legislation, saying that the people of Guam were properly compensated already. I am sure the gentlelady has the correct information so that we can inform our colleagues this is not true.

The way the whole thing has been presented, the procedures that were followed and the war claims that were made for the U.S. citizens left out the people of Guam. For some reason or another, I think our colleagues need to understand this a little more clearly.

POINT OF ORDER

Mr. PRICE of Georgia. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Mr. Speaker, did the gentlelady just not state that she had no more speakers?

The SPEAKER pro tempore. The gentleman is correct. The gentlewoman from Guam nevertheless had time remaining and did not yield it back.

Ms. BORDALLO. That was my understanding at the time.

Mr. FALEOMAVAEGA. Mr. Speaker, I understood that she had not yielded her time. With 7 minutes remaining, I requested that there be a colloquy between myself and the gentlelady from Guam. Is there anything wrong with that?

The SPEAKER pro tempore. The gentlewoman from Guam has 6 minutes remaining.

Ms. BORDALLO. Mr. Speaker, if the gentleman will yield, in answer to the questions raised, let me just put it this way: There are several categories in the bill to pay for compensation. One is for living survivors of the occupation; $15,000 for rape or severe personal injury, such as loss of limb, dismemberment or paralysis; $12,000 for forced labor or personal injury that is less severe in nature, such as disfigurement, scaring or burns; $10,000 for forced march, internment or hiding to evade internment.

Category two is for death claims, $25,000 to a spouse or children of a Guamanian who died during the occupation.

Category three for descendants of deceased survivors; $7,000 to descendants of injured or interned survivors who have passed away, irrespective of the injury or the harm sustained.

The total of this legislation, we are asking $126 million for claims and $5 million for grants for the Department of Interior to promote activities related to the occupation.

Also another question, if I could answer, why is the U.S. paying for this instead of Japan? The United States inherited the obligation of reparations due to the treaty of peace with Japan which ended hostilities with Japan. It is the standard practice that citizens make claims to their own government arising from hostilities. It is the responsibility of the United States to make the people of Guam whole. Guamanians were U.S. nationals at the time of the occupation by Japan.

Mr. FALEOMAVAEGA. I ask the gentlelady, were there any provisions where it required the Japanese Government to restore or to provide some form of compensation as part of this treaty arrangement?

Ms. BORDALLO. Not to my knowledge. The U.S. inherited this.

Mr. FALEOMAVAEGA. So the Japanese Government just simply said, well, don't ask us; ask the United States Government to provide this.

Ms. BORDALLO. Due to the treaty of peace.

Mr. FALEOMAVAEGA. So there was never any compensation or any support even from the Japanese Government to make whole what they did against the people, the residents of Guam?

Ms. BORDALLO. That is correct. It is the United States responsibility to make Guam whole.

Mr. FALEOMAVAEGA. I thank the gentlelady.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support legislation that has been introduced by my colleague, Congresswoman BORDALLO. H.R. 1595, the Guam World War II Loyalty Recognition Act, would honor the residents of Guam for their loyalty and compensate them for the atrocities they suffered during the Japanese occupation of Guam.

During World War II, Guam was invaded, seized and occupied by Imperial Japanese forces for nearly three years. The war destroyed much of Guam, including housing, public buildings, utilities and infrastructure. In addition, the people of Guam suffered many deaths and an untold number of acts of brutality. This ruthless brutality has left a lasting impact on the survivors of the war and the descendants of victims.

In 1947, the Secretary of the Navy commissioned a civilian committee on the Naval Administration of Guam and American Samoa to prepare a report with specific recommendations. The report became known as the Hopkins Report and was submitted to the Secretary of the Navy in 1947. Among other things, the report addressed deficiencies in the war claims process for Guam immediately after the war ended. In the cover letter submitted with the report, the committee stated, "Only so can justice be done to a valiant group of Americans who at great cost to themselves remained steadfastly loyal during the war . . . in so special a case this government could well be very generous in method of distributing its relief as well as generous in amount awarded. It has been neither."

Many decades later, the 107th Congress authorized the Guam War Claims Review Commission to determine if the people of Guam received parity in claims as compared to other Americans who experienced losses and damages during the war. In 2004, the Commission submitted their final report to Congress and found that Guam's residents were inequitably treated.

There has been legislation to address this inequitable treatment in every Congress since 1985. Two hearings have been held, one in the 108th Congress and one on in the 109th Congress. It is time to follow the recommendations made by both the Hopkins report and the Guam War Claims Review Commission by providing adequate reparations for the people of Guam. It is time to honor them for their sacrifices.

Congresswoman BORDALLO has done a fantastic job over the years to create the most fair and equitable legislation that Congress can pass. I hope the people of Guam know that this issue is being addressed and the people have not been forgotten.

I urge my colleagues to support the people of Guam and vote for final passage.

Mr. RAHALL. Mr. Speaker, I rise this today in strong support of the passage of H.R. 1595—the Guam World War II Loyalty Recognition Act. I also commend the gentlelady from Guam for her leadership on this issue. This legislation has bipartisan support and is being considered today because of her determination to seek justice.

We are here this afternoon, taking a significant step forward to close a very painful chapter in Guam's history. From the time that Guam had been granted a delegate to Congress in the 1970's, throughout the service of our former colleagues—Mr. Won Pat, Mr. Blaz, and Mr. Underwood—this House has been made aware and constantly reminded that Guam and her people suffered unimaginable atrocities during its occupation by Japan during World War II. For nearly three years, the idyllic paradise became a land of panic, horror, suffering, and death.

The personal testimonies of survivors of Guam's occupation has a strong history with the Committee on Natural Resources. They are emotional, sad, and graphic. Many of those survivors who appeared before the Committee to re-tell and, in essence, re-live the pain of occupation have since passed on. There are very few of the estimated 22,000 Guamanians alive today who survived this era, and it is my hope that we can give them closure before none remain.

There now have been two federally appointed Commissions that have reviewed the implementation and the parity treatment of Guam's experience—the Hopkins Commission in 1947, and the Review Commission in 2004. Both concluded that the people of Guam were either misinformed or mistreated. Either way, their recommendations to Congress—be it in 1947 or in 2004—are that something needs to be done to make this right.

The weight of history now falls on the shoulders of this House, nearly sixty-three years

after Guam's liberation. We have the opportunity by passing H.R. 1595 to correct a great injustice for those patriotic Americans who withstood brutal occupation.

The issue has been studied to exhaustion and the recommendations have remained the same. We should never forget their sacrifice for our country, nor should we allow for this inequity to continue.

I urge my colleagues to support the passage of H.R. 1595—the Guam World War II Loyalty Act.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H.R. 1595, the Guam World War II Loyalty Recognition Act and urge my colleagues to support its passage. I want to begin by commending my colleague and friend from Guam, the Honorable MADELEINE BORDALLO, for her steadfast and dedicated efforts towards enactment of this bill. Congresswoman BORDALLO has been singularly focused—since arriving in the House—on the enactment of legislation to provide compensation for those of her constituents who suffered unspeakable acts of horror during World War II.

Mr. Speaker, the people of Guam who were subject to public executions by beheading, personal injury, forced labor, forced march, rape and internment at the hands of the Japanese, have waited much too long for just compensation. The Guam War Claims Review Commission found that Guam's residents were inequitably treated under the Guam Meritorious Claims Act and subsequent Federal laws meant to address WWII personal injury claims.

This Commission, which was established pursuant to legislation sponored by our former colleague from Guam, Robert Underwood, recommended that Congress enact legislation providing for additional compensation to Guam's residents. Thus the bill we are discussing today.

The struggle for fair compensation for the people of Guam has been on-going for more than 60 years now. Sadly many of the Chamorros who suffered these atrocities have passed away but we must not let their suffering, largely due to the steadfast loyalty to the United States, be in vain. Passage of H.R. 1595 is long overdue and by doing so today, we will honor their memories and provide compensation to these brave Americans.

I urge my colleagues to vote in favor of H.R. 1595.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1595, as amended.

The question was taken.

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

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1500

COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 407) to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 407

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 ''Columbia-Pacific National Heritage Area Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Columbia-Pacific National Heritage Area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''study area'' means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

SEC. 3. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(b) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are made available to carry out the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the Secretary with respect to the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 407, sponsored by the gentleman from Washington (Mr. BAIRD), would authorize the Secretary of the Interior to conduct a study to determine the feasibility of designating a national heritage area in western Washington State. Specifically, the study would examine coastal areas in Clatsop and Pacific Counties at the mouth of the Columbia River, as well as inland areas along the river in two adjacent counties. The bill includes standard criteria for national heritage area studies, and requires completion of the study 3 years after the date funds are made available.

Mr. Speaker, the area included in this proposed study is not only beautiful, but is rich in Native American and European history. The area was a busy stop on European trade routes many years before Lewis and Clark famously visited the west coast. Representative BAIRD is to be commended for his hard work on behalf of this legislation. We look forward to working with him on the designation of a national heritage area should the study support such an action.

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

Mr. LAMBORN. Mr. Speaker, I rise in opposition to H.R. 407 for both procedural and substantive reasons. I am very dismayed that this bill has been

rushed to the floor with no hearing or subcommittee or full committee consideration by the Committee on Natural Resources. The majority might say a hearing was held on the bill last September, and no opposition was present so there is no need for consideration by the committee this year; but I strongly disagree with this logic for several reasons.

First, the committee has received a strong letter of opposition to H.R. 407 by one of the largest private property rights groups, the American Land Rights Association, based in Battleground, Washington.

That letter states: ''We are curious why no hearings have been held on this bill during this Congress. Congress has the time and energy to congratulate victorious sports teams, but does not have the time and resources to hold a hearing on this bill which affects millions of acres of private property in Washington and Oregon.''

Second, I note that one-eighth of the Members of this body, including me, are new Members of the House and were unable to participate in hearings held in the last Congress on this bill. Although there might be some cases where a consensus bill from the last Congress could justifiably be forwarded to the House for expedited consideration on the floor, this bill should not be one of them. As I said previously, it is strongly opposed by a private rights based group in the area affected by the bill.

The substantive reasons to oppose this bill can best be summarized by the American Land Rights Association's May 3, 2007, letter to the Committee on Natural Resources which states: ''Although H.R. 407 is billed merely as a study, history shows the National Park Service rarely does a study that concludes a national heritage area is not feasible. Recent history also shows that national heritage areas cost the National Park Service $10 million during their 15-year life span. Moreover, once their 15-year authorization expires, heritage area proponents come back to Congress asking for even more Federal moneys so they can ultimately become self-sufficient. At a time when the National Park Service has a multi-billion dollar maintenance backlog for such basic visitor services as campgrounds, visitor centers and sanitation facilities, it should not be forced by Congress to create expensive new heritage areas that siphon precious Federal dollars from these higher and better uses.''

Mr. Speaker, I include for the RECORD the letter I just referred to.

AMERICAN LAND RIGHTS ASSOCIATION,
Battle Ground, WA, May 3, 2007.

Re H.R. 407 (Columbia-Pacific Heritage Area Study authored by Congressman Baird and Wu).

Hon. NICK RAHALL,
Chairman, House Committee on Natural Resources, Washington, DC.

Hon. DON YOUNG,
Ranking Member, House Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN RAHALL AND CONGRESSMAN YOUNG, The American Land Rights Association is headquartered is Southwest Washington State and is very involved with private property rights and land use issues here and throughout the United States.

We understand the House will soon consider H.R. 407, the Columbia-Pacific Heritage Area Study Act, which affects our members in this region. We are curious why no hearings have been held on this bill during this Congress. Congress has the time and energy to congratulate victorious sports teams but does not have the time and resources to hold a hearing on this bill that affects millions of acres of private property in Washington and Oregon.

Although H.R. 407 is billed as ''merely as study,'' history shows the National Park Service rarely does a study that concludes a national heritage area is not feasible. Recent history also shows that national heritage areas cost the National Park Service $10 million dollars during their 15-year life span. Moreover, once their 15-year authorization expires, heritage area proponents come back to Congress asking for even more federal money so they can ultimately become ''self sufficient.'' At a time when the National Park Service has a multi-billion dollar maintenance backlog for such basic visitor services as campgrounds, visitor centers and sanitation facilities, it should not be forced by Congress to create expensive new heritage areas that siphon precious federal dollars for these higher and better uses.

The American Land Rights Association respectfully requests the House Committee on Natural Resources hold a balanced hearing on H.R. 407 before bringing this bill to the House Floor. We are astonished with the sense of urgency to pass this bill so early in the new Congress.

Sincerely,

CHUCK CUSHMAN,
Executive Director.

As I have stated publicly before, enacting legislation that actually works for the American people requires thoughtfulness and dialogue so all options are on the table. To reject that just because a numerical majority is available does a tremendous disservice to the American people. For these reasons, I urge my colleagues to vote ''no'' on H.R. 407.

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

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

I would first point out that almost identical legislation, H.R. 5485, was the subject of a subcommittee hearing in the Resources Committee during the previous Congress.

During that hearing, the Bush administration and local business leaders expressed support for the legislation. That hearing, organized by then-Republican majority, featured no testimony opposing the bill. Further, the companion to this bill was sponsored by the Republican Senator from Oregon. Given that bipartisan and noncontroversial legislative history, and the fact that the bill simply authorizes a study, it is perfectly appropriate that the measure be before the House today. We have used similar procedures to bring other measures left over from the previous Congress to the floor, measures sponsored by both Republicans and Democrats.

The one organization mentioned as opposing the bill failed to make their opposition known to the committee or the sponsor, nor did they testify at last year's hearing. Further, the group has no real relevance because it opposes all heritage area study proposals on ideological, rather than substantive, grounds which have nothing to do with this specific proposal.

Lastly, this legislation simply authorizes a study, not a national heritage area. To oppose the study because you assume you will oppose what the study will recommend is premature at best. There is no real controversy regarding this legislation, and we urge our colleagues to support it.

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

Mr. GRIJALVA. Mr. Speaker, I yield to the sponsor of this legislation, the gentleman from Washington (Mr. BAIRD), for such time as he may consume.

Mr. BAIRD. Mr. Speaker, I rise today in strong support of H.R. 407, the Columbia-Pacific National Heritage Area Study Act.

The Columbia-Pacific National Heritage Area Study Act is an important piece of legislation to my district and the entire Pacific Northwest. I have been privileged to work with DAVID WU from Oregon in introducing this legislation. In the Senate, the companion legislation has been introduced by Senator GORDON SMITH from Oregon and is supported by Washington Senators MURRAY and CANTWELL, as well as Oregon Senator RON WYDEN. Hence, this legislation has both bipartisan and bicameral support.

The mouth of the Columbia is a special place with a very rich history. Native American communities have flourished there for thousands of years. It is home to the first American settlement on the Pacific, Astoria. It served as a major trading post for European, American, Chinese, and other nations' ships, and earned its nickname the ''Graveyard of the Pacific'' from the hundreds of shipwrecks along its dangerous coast. Lewis and Clark ended their westward trek there in 1805. Today, the area is home to the fishing, seafood processing, and timber communities that embody the Pacific Northwest.

Establishing a national heritage area at the mouth of the river is fitting in recognition of the region and its importance historically. As you know, the national heritage area unites parts of historically and culturally significant areas under a common purpose. In this

case, it will help continue the cooperative efforts that the Lewis and Clark bicentennial helped to create. The bicentennial commemoration helped bring community interests together to plan and work in a collaborative fashion. A national heritage area will continue this momentum and ensure the region continues to attract families, outdoorsmen and women, history buffs, and others to enhance its sustainable tourism economy.

Most impressive is that the effort to create a national heritage area at the mouth of the Columbia is really an idea driven by the local community. We have received letters of support from local governments, local businesses, trade associations, chambers of commerce, ports and others who have heard about this effort and wholeheartedly endorsed it. A brief sample of support includes the Washington State Parks and Recreation Commission, the Office of the Governor of Oregon, the city of Astoria, Shorebank Pacific Bank, Cannon Beach Chamber of Commerce, the Port of Peninsula, and the Clatsop County Historical Society.

During the prior Congress, the legislation was subject to an oversight hearing in the National Parks Subcommittee where the administration expressed their support for the bill. We were also joined by small business owners from the area, notably Bob Andrews, who expressed his particular support.

I would like to take this opportunity to thank the National Resource Committee chairman, NICK RAHALL; the Subcommittee on National Parks, Forests and Public Lands chairman, Mr. GRIJALVA; and their staffs, including David Watkins and Rick Healy, for their work in bringing this to the floor. I would also like to thank Marc Korman in my office for his work on this important legislation. And especially, my dear friend, DAVID WU. Again, I thank the Chair for bringing this to the floor and urge final passage.

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

Mr. GRIJALVA. Mr. Speaker, let me yield such time as he may consume to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman from Arizona.

Mr. Speaker, I strongly support the creation of a Columbia-Pacific National Heritage Area. I have worked closely with my friend and colleague, the gentleman from Washington (Mr. BAIRD), to introduce H.R. 407 to study the feasibility of a national heritage area at the mouth of the Columbia River between Oregon and Washington.

Like the river itself, the journey to get to where we are has been lengthy. In 2001, I took the initial steps with Mr. BAIRD and with the help of the National Resources Committee and the gentleman from Indiana (Mr. SOUDER), and we were able to expand Fort Clatsop National Historic Monument and extend it to the sea.

Next, Congressman BAIRD and I together created Oregon's and Washington's newest national park, the Lewis and Clark National and State Historical Parks. No one person could have accomplished the many steps to this point. I thank the hard work of the Natural Resources Committee, Congressmen BAIRD and SOUDER, Oregon State Senator Betsy Johnson and former park superintendent Chip Jenkins.

I would especially like to thank all of the local citizens, such as Astoria's Cindy Mudge who has put tremendous time and effort into the heritage area. The history that shaped this part of our Nation should be preserved and celebrated.

Here, where the Columbia, the great river of the West, meets the ocean, strong men and women have left their indelible imprint for millennia. Native cultures, such as the Clatsop Nehalem, Chinook and other Indian tribes, were joined by the Spanish, Russians and British. Lewis and Clark began an American tie to the river, and Americans of diverse descent, including Americans of Scandinavian, Chinese and other heritages, together built the history of the region.

This is the way that America was or should be, a close-knit community where everyone, from the Indians to Lewis and Clark to Scandinavians to Chinese, were and are welcome; where work, and not parentage, determines one's worth.

From forestry to fisheries, the land and waters have provided. Today, human hands provide for the future. We are trying to build a college to help create the education and research-based economy of the future. Here also are the helping hands of the Columbia River bar pilots who since 1846 have guided ships across the Columbia River bar, and the United States Coast Guard, who faithfully protect local and international commerce on the roughest, toughest water in the world.

The mouth of the Columbia River presents layers of history and culture like an ancient buried city, except that the river rolls on today. Unlike the Hudson or the Mississippi, we do not have a large city at the river's mouth to preserve its stories and heritage; an act of Congress shall do so.

I ask my colleagues to support H.R. 407 and note that the opposition which has been expressed comes from an organization which is not within the historic study area.

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

□ 1515

Mr. GRIJALVA. Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington (Mr. BAIRD), the sponsor of the legislation.

Mr. BAIRD. I thank my friend from Arizona.

I would just like to correct the record of the gentleman from Colorado. I know a little bit about Colorado myself. I have lived there. I doubt the gentleman from Colorado has lived in my district.

I do happen to know that Battleground, Washington, is not anywhere near the affected area. The affected area encompasses Pacific County and Wahkiakum County on my side of the river, two counties on the gentleman from Oregon's side of the river. Battleground is not there.

As far as the massive size of this organization you describe, it is not so large. I appreciate they have a voice. I am happy to listen to the voice. This Congress should listen to the voice. But it should not overwhelm the unanimous sense of the people who sponsored this legislation. The committee jurisdiction has had a hearing on this, and I do not think we want to make it the practice of this body, we certainly never have before, to say that every time a relatively noncontroversial bill has been heard well out in the prior Congress, we have to have another hearing.

If the gentleman pretends to say that it is his concern that we try to save the taxpayers' money, having continuous, multiple hearings every time a bill does not quite pass out both bodies, both the House and the Senate, from one Congress to the next, I think it would actually cost the taxpayers a lot more money than you would hope to save.

Let me speak to the substance of this. My friend from Oregon said it well. If you know the history of this great country and if you know the history of the Pacific Northwest, there can be no doubt that this area warrants designation such as we think this study will ultimately lend it.

My friend mentioned Lewis and Clark. Prior to them, the historical trade that went along among the native tribes at the mouth of the Columbia River was legendary. Lewis and Clark, the first American settlement in the Pacific Northwest, the key to trade with Asia in the early years of this great country, it was this mouth of this river where the first northwest settlement of the United States by Americans expanded. The mouth of this river is a key to the commerce, not only of the Pacific Northwest but the inland Northwest, the greater Northwest where great quantities of grain and other cargos are shipped out.

This region has a rich cultural, historical legacy that we need to honor and respect and preserve. That is why the administration supports this bill. That is why our friend and colleague in the other body, Senator SMITH, supports this bill. That is why we have I think the unanimous support of both delegations. This should be a noncontroversial bill.

The gentleman from Colorado I think has raised rather specious arguments against it, and I think we should pass this fine legislation and move forward with honoring a very richly deserving part of this country with this designation.

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

Mr. GRIJALVA. Mr. Speaker, in closing, let me thank the sponsors, Congressman BAIRD and Congressman WU, for this fine legislation and to remind our colleagues that this is the beginning of a process for a designation. This is the study process, and it is noncontroversial. And as mentioned before, the organization opposing it has a protected record of opposing any heritage area, without any substantive qualification to that opposition.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 407, as amended.

The question was taken.

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

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1080) to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1080

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 ''Grand Teton National Park Extension Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term ''Park'' means the Grand Teton National Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) SUBDIVISION.—The term ''Subdivision'' means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled ''Final Plat GT Park Subdivision'', and dated June 18, 1997; and

(B) the map entitled ''2006 Proposed Grand Teton Boundary Adjustment'', numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) ADMINISTRATION.—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) DEADLINE FOR ACQUISITION.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) RESTRICTION ON TRANSFER.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 1080 was introduced by our colleague from Wyoming, Representative BARBARA CUBIN. The legislation would authorize the Secretary of the Interior to expand the boundaries of the Grand Teton National Park to include approximately 50 acres that landowners in the adjacent Grand Teton Park Subdivision wish to donate to the park.

The subdivision is located adjacent to the park's eastern boundary and is visible from the park's main road. According to the National Park Service, the land is similar in character and quality to the adjacent parklands and offers unobstructed views of the Teton range and across the broad valley of Jackson Hole.

One lot in the subdivision was owned by the Gerald Halpin family. The remaining seven lots were donated by the Halpin family to private organizations, including the National Fish and Wildlife Foundation, the National Park Foundation, and the Grand Teton National Park Foundation.

All of these owners would like to donate their land to the park, but the parcels lie outside the existing park boundary. The 1950 law creating the park includes a provision forbidding expansion of any national park or monument in Wyoming without the express authorization of Congress.

H.R. 1080 would authorize the Secretary to accept the donation of lands within the subdivision and, upon acquisition, adjust the boundary of Grand Teton National Park. The bill would also prohibit the future sale, donation, exchange or other transfer of the acquired land without congressional approval.

Related legislation passed the other body in the 109th Congress and has been reintroduced by Senator CRAIG THOMAS of Wyoming and approved by the Senate Energy and Natural Resources Committee earlier this year.

Mr. Speaker, the National Park Service has testified in support of the bill, and it cleared the National Parks, Forests and Public Lands Subcommittee, and the full Natural Resources Committee on voice votes without any amendments.

Mr. Speaker, Representative CUBIN is to be commended for her work on this legislation. We support passage of H.R. 1080 and urge its adoption by the House today.

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

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

H.R. 1080, introduced by our colleague Congresswoman BARBARA CUBIN, would modify the boundaries of the Grand Teton National Park to include 49 acres of privately donated land. I commend Mrs. CUBIN for her work on this legislation. This highly valuable land, which has been valued at nearly $20 million, is being conveyed to the Park Service at very minimal cost.

Representative CUBIN and her staff did an excellent job working with the private individuals and groups who are donating the land and with the Park Service. The 49 acres are beautiful and highly desirable land that will enhance Grand Teton National Park.

This noncontroversial bill was favorably reported by the Natural Resources Committee by unanimous consent, and I urge my colleagues to support H.R. 1080.

I would also like to add that our thoughts and prayers are with Representative CUBIN and her husband, Dr. Cubin. We wish him a quick and speedy recovery.

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

Mr. GRIJALVA. Mr. Speaker, I have no additional speakers, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1080.

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

A motion to reconsider was laid on the table.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION AMENDMENTS ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 487) to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the

Oahe Dam and Reservoir Project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 487

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 ''Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007''.

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) the Pick-Sloan Missouri River Basin program, authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891), was intended to promote the general economic development of the United States;

(2) the Oahe Dam and Reservoir Project—

(A) is a major component of the Pick-Sloan Missouri River Basin program; and

(B) contributes to the national economy;

(3) the Oahe Dam and Reservoir Project flooded the fertile bottom land of the Cheyenne River Sioux Reservation, which greatly damaged the economy and cultural resources of the Cheyenne River Sioux Tribe and caused the loss of many homes and communities of members of the Tribe;

(4) Congress has provided compensation to several Indian tribes, including the Cheyenne River Sioux Tribe, that border the Missouri River and suffered injury as a result of 1 or more of the Pick-Sloan projects;

(5) on determining that the compensation paid to the Cheyenne River Sioux Tribe was inadequate, Congress enacted the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365), which created the Cheyenne River Sioux Tribal Recovery Trust Fund; and

(6) that Act did not provide for additional compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide that the Cheyenne River Sioux Tribal Recovery Trust Fund may be used to provide compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project; and

(2) to provide for the capitalization of the Cheyenne River Sioux Tribal Recovery Trust Fund.

SEC. 3. CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION.

(a) FINDINGS AND PURPOSES.—Section 102 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) in subsection (a)(3), by striking subparagraphs (A) and (B) and inserting the following:

''(A) the United States did not justly or fairly compensate the Tribe and member landowners for the Oahe Dam and Reservation project, under which the United States acquired 104,492 acres of land of the Tribe and member landowners; and

''(B) the Tribe and member landowners should be adequately compensated for that land;''; and

(2) in subsection (b)(1), by inserting ''and member landowners'' after ''Tribe'' each place it appears.

(b) DEFINITIONS.—Section 103 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) by redesignating paragraph (1) as paragraph (3) and moving the paragraph so as to appear after paragraph (2); and

(2) by inserting before paragraph (2) the following:

''(1) MEMBER LANDOWNER.—The term 'member landowner' means a member of the Tribe (or an heir of such a member) that owned land (including land allotted under the Act of February 8, 1887 (24 Stat. 388, chapter 119)) located on the Cheyenne River Sioux Reservation that was acquired by the United States for the Oahe Dam and Reservoir Project.''.

(c) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—Section 104 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) FUNDING.—On the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007 and on the first day of each of the following 4 fiscal years (referred to in this section as the 'capitalization dates'), the Secretary of the Treasury shall deposit into the Fund, from amounts in the general fund of the Treasury—

''(1) $58,144,591.60; and

''(2) an additional amount equal to the amount of interest that would have accrued if—

''(A) the amount described in paragraph (1) had been—

''(i) credited to the principal account as described in subsection (c)(2)(B)(i)(I) on the first day of the fiscal year beginning October 1, 2001; and

''(ii) invested as described in subsection (c)(2)(C) during the period beginning on the date described in clause (i) and ending on the last day of the fiscal year before the fiscal year in which that amount is deposited into the Fund; and

''(B) the interest that would have accrued under subparagraph (A) during the period described in subparagraph (A)(ii) had been—

''(i) credited to the interest account under subsection (c)(2)(B)(ii); and

''(ii) invested during that period in accordance with subsection (c)(2)(D)(i).'';

(2) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the Fund only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited into the Fund under subsection (b)(1) shall be—

''(I) credited to a principal account within the Fund (referred to in this paragraph as the 'principal account'); and

''(II) invested in accordance with subparagraph (C).

''(ii) INTEREST ACCOUNT.—

''(I) IN GENERAL.—The interest earned from investing amounts in the principal account shall be—

''(aa) transferred to a separate interest account within the Fund (referred to in this paragraph as the 'interest account'); and

''(bb) invested in accordance with subparagraph (D).

''(II) CREDITING.—The interest earned from investing amounts in the interest account, and the amounts deposited into the Fund under subsection (b)(2), shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Amounts in the principal account shall be initially invested in eligible obligations with the shortest available maturity.

''(ii) SUBSEQUENT INVESTMENTS.—

''(I) IN GENERAL.—On the date on which the amount in the principal account is divisible into 3 substantially equal portions, each portion shall be invested in eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(II) MATURITY OF OBLIGATIONS.—As each 2-year, 5-year, and 10-year eligible obligation under subclause (I) matures, the principal of the maturing eligible obligation shall be initially invested in accordance with clause (i) until the date on which the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in available eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations with maturities of longer than 1 year.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE EACH CAPITALIZATION DATE.—For purposes of subsection (b)(2)(B), amounts considered as if they were in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the applicable capitalization date for the Fund.

''(ii) ON AND AFTER EACH CAPITALIZATION DATE.—On and after each capitalization date, amounts in the interest account shall be invested and reinvested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the date on which the amounts will be withdrawn by the Secretary of the Treasury and transferred to the Secretary of the Interior for use in accordance with subsection (d).

''(E) PAR PURCHASE PRICE.—

''(i) IN GENERAL.—To preserve in perpetuity the amount in the principal account, the purchase price of an eligible obligation purchased as an investment of the principal account shall not exceed the par value of the obligation.

''(ii) TREATMENT.—At the maturity of an eligible obligation described in clause (i), any discount from par in the purchase price of the eligible obligation shall be treated as interest paid at maturity.

''(F) HOLDING TO MATURITY.—Eligible obligations purchased pursuant to this paragraph shall be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Tribe the results of the investment activities and financial status of the Fund during the preceding calendar year.

''(4) MODIFICATIONS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that investing the Fund in accordance with paragraph (2) is not practicable or would result in adverse consequences to the Fund, the Secretary of the Treasury shall modify the requirements to

the least extent necessary, as determined by the Secretary of the Treasury.

''(B) CONSULTATION.—Before making a modification under subparagraph (A), the Secretary of the Treasury shall consult with the Tribe with respect to the modification.'';

(3) in subsection (d), by striking paragraph (1) and inserting the following:

''(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007, and on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw and transfer all funds in the interest account of the Fund to the Secretary of the Interior for use in accordance with paragraph (2), to be available without fiscal year limitation.''; and

(4) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) MEMBER LANDOWNERS.—

''(A) ADDITIONAL COMPENSATION.—

''(i) IN GENERAL.—Except as provided in clause (iii), the plan may provide for the payment of additional compensation to member landowners for acquisition of land by the United States for use in the Oahe Dam and Reservoir Project.

''(ii) DETERMINATION OF HEIRS.—An heir of a member land owner shall be determined pursuant to the applicable probate code of the Tribe.

''(iii) EXCEPTION.—During any fiscal year, payments of additional compensation to a member landowner under clause (i) shall not—

''(I) be deposited or transferred into—

''(aa) the Individual Indian Money account of the member landowner; or

''(bb) any other fund held by the United States on behalf of the member landowner; or

''(II) exceed an amount equal to 44.3 percent of the amount transferred by the Secretary of the Interior to the Tribe under paragraph (2).

''(B) PROVISION OF RECORDS.—To assist the Tribe in processing claims of heirs of member landowners for land acquired by the United States for use in the Oahe Dam and Reservoir Project, the Secretary of the Interior shall provide to the Tribe, in accordance with applicable laws (including regulations), any record requested by the Tribe to identify the heirs of member landowners by the date that is 90 days after the date of receipt of a request from the Tribe.''.

(d) ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.—Section 105 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended in the matter preceding paragraph (1) by inserting ''or any member landowner'' after ''Tribe''.

(e) EXTINGUISHMENT OF CLAIMS.—Section 107 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2368) is amended to read as follows:

''SEC. 107. EXTINGUISHMENT OF CLAIMS.

''(a) IN GENERAL.—On the date on which the final payment is deposited into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking by the United States of land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

''(b) EFFECT OF ACCEPTANCE OF PAYMENT.—On acceptance by a member landowner or an heir of a member landowner of any payment by the Tribe for damages resulting from the taking by the United States of land or property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program, all monetary claims that the member landowner or heir has or may have against the United States for the taking shall be extinguished.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

I would like to commend my colleague from South Dakota, Representative HERSETH SANDLIN, for her very dedicated hard work and her persistence on this piece of legislation.

H.R. 487 makes several technical corrections to address inequities that surfaced after the enactment of the original Cheyenne River Sioux Tribe Equitable Compensation Act of 2000. In short, this legislation provides for accelerated compensation for tribal members and landowners impacted by the construction of the Oahe Dam in 1962. It also satisfies a request from the administration to amend the underlying structure of the compensation fund.

H.R. 487 will assist the tribe in addressing this loss and help to ensure a positive future for the Cheyenne River Sioux.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN), the bill's sponsor, to further describe the legislation.

Ms. HERSETH SANDLIN. Mr. Speaker, I want to thank Chairwoman NAPOLITANO for her support of this important legislation to my constituents and for her leadership on the subcommittee.

I rise today in strong support of H.R. 487, the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007. This legislation is the result of a collaborative effort between the Cheyenne River Sioux Tribe, the South Dakota congressional delegation, the House Natural Resources Committee and the Department of the Treasury. I am very pleased to stand before my colleagues in the House today and urge final passage of this important bill.

The need for this legislation began more than 50 years ago with the construction of a series of dams and reservoir projects along the upper Missouri River basin. One of those projects, the Oahe Dam and Reservoir, caused flooding on over 100,000 acres of the Cheyenne River Indian Reservation in north central South Dakota. The loss of these lands was particularly devastating to the tribe and included some of their most important cropland, wildlife habitat and spiritually significant places.

Though the tribe did receive some initial compensation for this loss, the amount was woefully inadequate and did not reflect the magnitude of the loss imposed on the tribe. In 2000, Congress recognized this injustice when it passed legislation to provide additional compensation for the Cheyenne River Sioux Tribe and created a trust fund for additional tribal development. Unfortunately, the 2000 legislation was incomplete and flawed, requiring a number of amendments to the underlying law.

In addition to several technical changes advocated by the Department of the Treasury, H.R. 487 will allow for the immediate capitalization of the trust fund and also give the tribe the authority to redirect a limited amount of the fund towards private tribal landowners. Many of the 100,000-plus acres that were inundated due to the dam were actually privately owned by tribal members. Now tribal elders, these individuals have been waiting decades for fair compensation and will finally have that opportunity.

Not only will H.R. 487 capitalize the fund to allow immediate implementation of the tribe's poverty reduction program, it will help to right a historic wrong and ultimately saves the Federal Government approximately $9 million.

The merits of this legislation are clear, both through its history and the spirit of bipartisan collaboration that brought it to the floor today.

I urge my colleagues to join me in supporting H.R. 487.

Mr. LAMBORN. Mr. Speaker, I yield myself as much time as I may consume.

This well-intended legislation improves current law by directly compensating landowners whose tribal lands were flooded by the construction of the Federal Oahe Dam in South Dakota. It also releases Federal funding to the Cheyenne River Sioux who were affected by the dam and, in doing so, reduces Federal taxpayer expenditures throughout the life of the program.

In the last Congress, this bill had major issues, but all parties worked in good faith to resolve their disagreements. It now enjoys broad support.

We have no objection to this legislation and urge its adoption.

□ 1530

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

Mrs. NAPOLITANO. Mr. Speaker, we have no objection to this noncontroversial bill. I would like to thank my colleague on the other side and also, especially, the sponsor of the bill, Ms.

HERSETH SANDLIN, for her very hard work and strong leadership.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 487.

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

A motion to reconsider was laid on the table.

CITY OF OXNARD WATER RECYCLING AND DESALINATION ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1737) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1737

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

SEC. 1. SHORT TITLE.

This Act may be cited as the ''City of Oxnard Water Recycling and Desalination Act of 2007''.

SEC. 2. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. ___. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the following:

''(1) The operations and maintenance of the project described in subsection (a).

''(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the last item the following:

''Sec. ___. Oxnard, California, water reclamation, reuse, and treatment project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

I would like to commend foremost my colleague from California (Mrs. CAPPS) again for the hard work and dedication to this great piece of legislation for her district.

The purpose of H.R. 1737 is to authorize the Secretary of the Interior to participate in the design and planning and construction of permanent facilities for the Groundwater Recovery Enhancement Treatment project, the GREAT project.

H.R. 1737, when enacted, authorizes limited Federal financial assistance to develop a facility that will reclaim, reuse and treat impaired water in the Oxnard, California, area. It is my hope that the administration will understand the significance of this very critical litigation for Oxnard as the shining example of the role water recycling plays in balancing our water management portfolio.

I urge my colleagues to join me in supporting H.R. 1737.

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

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

This legislation will help meet the City of Oxnard, California, water supply needs through the year 2030 and will reduce the city's dependence on imported water. A provision in the bill ensures that no Federal taxpayer dollars will be used to construct or operate a nearby visitor center connected to this water project. We have no objection to this bill and urge its adoption.

Mrs. CAPPS. I rise in strong support of H.R. 1737, the City of Oxnard Water Recycling and Desalination Act.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and chairwoman or the Subcommittee on Water and Power, Mrs. NAPOLITANO, as well as the ranking members of the full Committee and Subcommittee for expediting the consideration of this legislation and for bringing H.R. 1737 before us today. This bill was passed by the House of Representatives last year but was never acted on by the Senate.

H.R. 1737 would authorize a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment or GREAT Program—located in my congressional district. As you know many communities today are faced with the difficult task of providing reliable and safe water to their customers. The City of Oxnard is no exception.

Oxnard is on of California's fastest growing cities and is facing an ever growing crisis: it's running out of affordable water. The water needs for the city's agricultural and industrial base, together with its growing population, has exceed its local water resources. As a result, over 50 percent of its water has to be Imported from outside sources.

However, through a series of local, state and federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising. Recognizing these challenges, Oxnard developed the GREAT Program to address its long term water needs.

The GREAT Program elements include:

A new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities;

A recycled water system to serve agricultural water users, and added protection against seawater intrusion and saltwater contamination; and

A wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into to the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also includes pumping groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient rich water to the existing wetlands at Ormond Beach.

Mr. Speaker, I commend the Natural Resources Committee for trying to find innovative and effective ways of extending water supplies in the West. In my view, the City of Oxnard Water Recycling and Desalination Act offers such a creative solution. It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Again, I would like to thank the Natural Resources Committee for supporting this bill, and urge its immediate passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1737.

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

A motion to reconsider was laid on the table.

EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 30) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 30

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 ''Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project''.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding after section 16XX the following:

''SEC. 16XX. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the item relating to section 16XX the following:

''Sec. 16XX. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 30, as introduced by our colleague, Mr. DARRELL ISSA from California, amends the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

This legislation will provide limited financial assistance to the district for the expansion of the Eastern Municipal Water District pressure zone system, a critical part of their water recycling system. The legislation will help the district maintain a stable, secure water supply to strengthen the community's ability to attract business, sustain its economy, protect its environment, and deal with the community's needs.

I thank Mr. ISSA for his hard work on this legislation, and I urge my colleagues to join me in supporting H.R. 30.

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

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

H.R. 30 recognizes the need to capture and treat waste runoff to meet growing water supply needs in arid Southern California. The water recycling project envisioned in this legislation will help drought-proof the region and reduce its dependence on imported water from the Colorado River.

I commend our colleague from California (Mr. ISSA) for his continued leadership and attention on developing new water supplies. I urge my colleagues to support this important legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, this bill is not new. In fact, this is the second go-around for it, but that doesn't make it any easier. This bill, like many in the last Congress, died in the Senate.

That's going to be different this time thanks to Chairman RAHALL and Ranking Member YOUNG. They considered this, reviewed to see if there were any significant changes, and quickly reported it out of committee. I want to thank them for working on a bipartisan basis to do that early on.

This is important to the people of Southern California. As the gentlelady, who will speak, hopefully, next, will tell you, California has water. Unfortunately, we don't capture enough, and it isn't where we need it and when we need it.

H.R. 30 is designed to bring some of that availability by significantly increasing our use of recycled water, both helping maintain the aquifer and providing safe, clean water for a multitude of uses for the people of Southern California. I urge the support of this bill, and I will not mention the other body again, except to say that I am looking forward to this early passage turning into an early signature by the President.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 30.

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

A motion to reconsider was laid on the table.

LOWER REPUBLICAN RIVER BASIN STUDY ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1025) to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1025

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 ''Lower Republican River Basin Study Act''.

SEC. 2. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.

(a) AUTHORIZATION OF STUDY.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the ''Republican River Basin'');

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) COST SHARING.—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) COOPERATIVE AGREEMENTS.—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) COMPLETION AND REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this section the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) EXTENSION.—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

The purpose of H.R. 1025, as introduced by our colleague from Kansas (Mr. MORAN), is to authorize the Secretary of the Interior to conduct a feasibility study on the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

H.R. 1025 is a cooperative agreement between Nebraska, Kansas, Colorado, and the Federal Government that calls for a feasibility study of water resources of that river basin. The goal is to find new solutions to provide water reliability, increase the capacity of the current water storage, which is so important, and improve water management efficiency. This study is imperative to the responsible management of our water supplies.

I urge my colleagues to join me in supporting H.R. 1025.

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

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

H.R. 1025, introduced by our colleagues JERRY MORAN and ADRIAN SMITH, implements the Republican River Compact Settlement as negotiated between the States of Colorado, Nebraska, and Kansas. This legislation serves as the first step to increase water storage and water use efficiency to benefit those served by the waters of the Republican River.

I commend Mr. MORAN and Mr. SMITH for their leadership on this important matter. I urge my colleagues to support this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I thank the gentleman for yielding me time and bringing this bill forward today.

Mr. Speaker, H.R. 1025 would authorize one of the requirements of the Republican River Compact Settlement negotiated between the States of Nebraska, Kansas and Colorado and approved by the Supreme Court in 2003. It is not only necessary to ensure the States remain in compliance with this agreement, but to make certain the agriculture, industrial and domestic use of the water is carried out in the most efficient and effective manner possible.

The Lower Republican River Basin Study will examine how to better utilize opportunities to increase water storage in the river basin. I am hopeful the results of this study will lead to an increase in water availability while we continue to encourage more efficient water use.

As many of you know, especially those from the Midwest, the current water shortage has made this a very critical issue for my congressional district. So if we can, through this study, allocate more water, allocate water more effectively, it will help farmers, ranchers, municipalities both in Nebraska and Kansas in the long term.

I want to thank Mr. RAHALL, Mr. YOUNG, and the Natural Resources Committee staff for bringing forth this bill. I appreciate the cooperation on both sides of the aisle. I urge Members of Congress to approve this legislation.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of H.R. 1025, the Lower Republican River Basin Study Act. I would like to thank Chairman Rahall and the Resources Committee for helping to bring this legislation before the House today.

The timing of this legislation is significant, not only for farmers in Kansas who have dealt with successive years of drought and decreased water supplies, but because the respective states have already appropriated funds for the current fiscal year to conduct the feasibility study authorized by this legislation.

H.R. 1025 is a product of the Republican River Compact Settlement. That settlement resulted from litigation filed by the State of Kansas against the States of Nebraska and Colorado in 1998 because required amounts of water were not reaching Kansas under the Republican River Compact terms. In 2003, the Republican River Compact Settlement brought that litigation to an end.

The Settlement was signed not only by the party States, but also administration officials and was subsequently approved by the United States Supreme Court in 2003. As part of that Settlement, the Parties agreed to have the Secretary of the Interior conduct a study to determine the feasibility of implementing water supply and conservation projects in the Republican River Basin below Harlan Reservoir. In accordance with the Settlement Agreement, H.R. 1025 provides that the cost of the study will be shared between the Federal Government and the States of Kansas and Nebraska.

As of today, the States have done their part under the settlement agreement. In fact, my home State of Kansas has already appropriated funds for the current fiscal year. I also understand that Mr. Smith's State of Nebraska has done the same.

Mr. Speaker, all that remains is for the Federal Government to meet its obligation under the settlement agreement. The feasibility study is desperately needed to increase water availability and encourage more efficient water use and delivery systems.

The Lower Republican Basin has a history of periodic droughts and water shortages. The upper third of the Kansas Bostwick Irrigation District, which lies above Lovewell Reservoir, received limited water allocations in 2003 and no water allocations in 2004 and 2005.

Producers in the lower two-thirds of the Kansas Bostwick Irrigation District have also experienced water shortages since 2003. Irrigators in this portion of the District have only received half of the base supply they were supposed to receive. The project facilities in the Lower Republican River Basin are over 50 years old. Changed hydrological conditions and aging facilities require better utilization of limited water supplies.

Mr. Speaker, the feasibility study authorized by H.R. 1025 is not only necessary to ensure the states remain in compliance with an interstate compact, but also to ensure the economic viability of the rural communities that rely on delivery of a consistent supply of water, and I urge Members to approve this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1025.

The question was taken.

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

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

The yeas and nays were ordered.

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

ALASKA WATER RESOURCES ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1114) to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1114

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 ''Alaska Water Resources Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Alaska.

SEC. 3. ALASKA WATER RESOURCES STUDY.

(a) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this Act and other applicable provisions of law, shall conduct a study that includes—

(1) a survey of accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough;

(2) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(3) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

(A) infrastructure risks to State transportation,

(B) flood forecasting,

(C) resource extraction; and

(D) fire management.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study required by subsection (a).

SEC. 4. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

The purpose of 1114, as introduced by the ranking member of the Natural Resources Committee, the Honorable Representative DON YOUNG, is to require the Secretary of the Interior, through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska.

□ 1545

The assessment and evaluation of current water resources is essential to understanding the needs of that community and its environment. H.R. 1114 would require the Bureau of Reclamation and the USGS to do exactly that, to study the water supplies, the water treatment, and the water distribution needs of Alaska. The bill requires the Secretary of Interior to report the findings of this study to Congress no later than 2 years after enactment.

A study of this magnitude, Mr. Speaker, is vital to the proper management of our most precious natural resource. I do greatly appreciate the hard work of Representative YOUNG on this legislation and urge my colleagues to join me in supporting H.R. 1114.

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

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

This important legislation introduced by the distinguished ranking member of the House Natural Resources Committee, DON YOUNG, will help Alaskans through water infrastructure study and development, and improved flood control management.

Mr. Speaker, I yield such time as he may consume to the author of the bill and the ranking Republican of the Natural Resources Committee, Mr. YOUNG of Alaska.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, let me thank the chairman of the committee, Mrs. NAPOLITANO from California, for bringing this bill up with Mr. RAHALL.

This bill seeks to expand Alaska's water supply system and reduce flood threats. My State's combined water bodies comprise one-third of all the fresh water in the United States, but communities are struggling to provide drinking water due to the outdated water distribution system and lack of information on groundwater resources. For this reason, this bill will include a survey of potential water supplies in the City of Anchorage, the Matanuska-Susitna Borough, the City of Fairbanks and Fairbanks Northstar Borough.

The bill also improves streamflow information to improve flood forecasting, resource extraction and fire management. Streamflow information in the form of USGS streamgaging stations is insufficient in Alaska compared to other States. In fact, Alaska has only 100 streamgage stations, which is less than 10 percent of the information available in many other States. This bill will help alleviate that situation.

Again, I want to thank Mr. RAHALL and Mrs. NAPOLITANO of California for bringing this bill, and I urge passage of this legislation.

Mr. Speaker, may I say that I am so happy today we are talking about water, water in California, water in Alaska, water in Nebraska. Water is going to be our next big crisis that we are going to be faced with in this Nation, it is energy now, and we must do something. We have to learn how to use water better, how to impound water, and how to deliver water so we have that which supports our life, and that is water.

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

Mrs. NAPOLITANO. Mr. Speaker, I couldn't agree more with Congressman YOUNG about the importance of water for our country, and I would hope that we can work in a bipartisan manner to continue to look at other areas that will be in dire need of help, Federal help, to be able to determine what needs to be done to help them address their water concerns, and I thank the gentleman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1114.

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

A motion to reconsider was laid on the table.

SOUTH ORANGE COUNTY RECYCLED WATER ENHANCEMENT ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1140) to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1140

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 ''South Orange County Recycled Water Enhancement Act''.

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16xx. SAN JUAN CAPISTRANO RECYCLED WATER SYSTEM.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Juan Capistrano, California, is authorized to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $18,500,000.

''(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

''SEC. 163X. SAN CLEMENTE RECLAIMED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Clemente, California, is authorized to participate in the design, planning, and construction of a project to expand reclaimed water distribution, storage and treatment facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000

''(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 163X the following:

''Sec. 163X. San Juan Capistrano Recycled Water System.

''Sec. 163X. San Clemente Reclaimed Water Project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the purpose of H.R. 1140, as introduced by my colleague and former chair of the subcommittee, Mr. KEN CALVERT, is to authorize the Secretary to participate in the design, planning and construction of an advanced water treatment facility and recycled water system.

The continuing drought and the decrease in snow pack have led to a reduction in water supplies in many parts of the West. Water recycling projects can help communities protect against the adverse consequences of drought.

H.R. 1140 will authorize limited Federal financial assistance for two separate water recycling projects in Southern California. One, beautiful San Juan Capistrano, and the other in great San Clemente.

Recycled water can satisfy many water demands, and the enactment of this bill will continue our efforts to encourage the administration to include recycling as an effective water management strategy. I note it was left out of Water 2025, and I want to be sure that we continue to push forward for that which is very, very helpful to many communities.

I do urge my colleagues to join me in supporting 1140.

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

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

This legislation, H.R. 1140, introduced by the distinguished former chairman of the Water and Power Subcommittee, KEN CALVERT of California, authorizes limited Federal assistance for two water recycling projects in southern Orange County. This bill helps the cities of San Juan Capistrano and San Clemente meet their water supply needs, and reduces their dependence on imported water.

I commend Representative CALVERT for his longstanding leadership in helping all of Southern California meet its future water needs through a combination of water recycling, desalting, conservation and water storage. I urge my colleagues to support this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the author of the bill.

Mr. CALVERT. Mr. Speaker, I want to thank my chairman, Mrs. NAPOLITANO, for the hard work that she has put into all these water bills and for her desire to make sure that areas such as southern California have water for the future.

The South Orange County Recycled Water Enhancement Act is a relatively modest yet important step toward meeting the long-term water needs for the West. Water recycling is an approach that more and more communities are tapping to meet local and regional water demand. To address the continued growth of water users, communities are truly maximizing the use of every drop of water.

The South Orange County Recycled Water Enhancement Act authorizes two water reclamation projects in the South Orange County portion of my district. South Orange County relies heavily on imported water from sources such as the Colorado River and the Bay Delta in northern California.

Water reclamation projects and other steps which reduce demand for imported water benefit all regional water uses. The first project outlined in this legislation is the San Juan Capistrano recycled water system, which would enable the City of San Juan Capistrano to provide recycled water to users throughout the city and its neighboring communities. To meet the local demand, the City has developed a project that includes the construction of a water treatment facility as well as transmission infrastructure.

I want to thank the San Juan Capistrano Mayor Sam Allevato and the rest of the city council for their dedication to this important project.

The second part of this project is the San Clemente Reclaimed Water Project, which would expand San Clemente's reclaimed water infrastructure by doubling its production capability. When completed, San Clemente's recycled water project will reduce the city's demand of domestic water by 3,300 acre feet of water per year. I applaud San Clemente Mayor Jim Dahl and the entire city council for their entire commitment to water recycling.

Again, I want to thank my good friend GRACE NAPOLITANO, our chairwoman of the Water and Power Subcommittee, for her leadership and support of my legislation. I know she shares my belief that water recycling is an important tool in addressing growing water needs in the west. Mr. Speaker, I think it is crucial that we recognize and assist communities that are working to reduce their reliance on imported water, and I urge all colleagues to support the South Orange County Recycled Water Enhancement Act.

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

Mrs. NAPOLITANO. Mr. Speaker, first of all, I want to thank staff on both sides who have been working collaboratively and in a bipartisan manner.

Water knows no political colors or boundaries. I think we need to work together to be able to ensure that our economy continues growing, that water will continue to flow through the faucets and in the rivers and dams and aquifers.

And along with Mr. LAMBORN, Mr. Speaker, I want to urge all Members to look at their district water needs, and begin to understand it and be able to work with it so that we can protect the rest of the States that are going through, whether it is droughts or other areas that they need help with.

I certainly want to thank my ranking member, KATHY MCMORRIS, who isn't here, but certainly Mr. LAMBORN, who has done a great job. And I want to thank him specifically, because to work collaboratively and get these bills out is critical not only in time but in the effect it has on our economy throughout the Nation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1140.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. CON RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012. The concurrent resolution shall be considered as read. An amendment in the nature of a substitute consisting of the text of House Concurrent Resolution 99, as adopted by the House, shall be considered as adopted. All points of order against the concurrent resolution, as amended, are waived. The previous question shall be considered as ordered on the concurrent resolution, as amended, to final adoption without intervening motion or demand for division of the question. If the Senate concurrent resolution, as amended, is adopted, then it shall be in order to move that the House insist on its amendment to the concurrent resolution and request a conference with the Senate thereon. The previous question shall be considered as ordered on that motion to adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. 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 ask unanimous consent to revise and extend my remarks. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 370.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, H. Res. 370 provides for consideration in the House of S. Con. Res. 21, the Senate version of the concurrent budget resolution for 2008. It also provides for the House to insist on the House-passed version of the budget resolution and to request a conference with the Senate.

The rule is very simple. It allows the House to disagree with the Senate budget resolution and request a conference. It doesn't interfere with the motion to instruct conferees; it just allows the House to go to conference and appoint conferees.

This rule is necessary, Mr. Speaker, because the Republican leadership refused to agree to the customary unanimous consent request required to go to conference on a Senate numbered bill. In fact, there is no instance in recent memory where a separate rule has been adopted to go to conference with the Senate on a budget resolution due to the objection of a unanimous consent request.

Mr. Speaker, I am having a hard time figuring out why my Republican friends are choosing to be obstructionists on even the most routine housekeeping measures. They talk a lot about civility and comity in the House, but apparently it is just that, talk, because their actions point to a very different strategy.

The new Democratic majority, on the other hand, is committed to results. We were elected to get things done, and that is exactly what we will do, with or without the cooperation of the Republican minority.

This rule does not block a vote on approval of the Senate budget resolution, as amended. It does not interfere with the motion to instruct conferees. It simply allows the House to insist on its version of the budget resolution and to request a conference with the Senate, nothing more. So let's pass this rule and get the budget resolution into conference.

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

□ 1600

Mr. SESSIONS. Mr. Speaker, I rise today in strong opposition to this rule and the unprecedented tax increase that the Democrat majority is bringing back to the House today.

I wish I could report to my colleagues that this legislation was improved since the last time the House considered it in March. Unfortunately, the massive and irresponsible tax increase included in the House version of this budget would still be the largest tax increase in American history, weighing in at a shocking $392.5 billion over the next 5 years.

This Democrat budget, which is balanced on the backs of everyday taxpayers, would be used to finance bloated new government spending that will grow well above the rate of inflation through 2012, while also ignoring the brewing entitlement crisis. Around 77 million baby boomers will be retiring in the very near future and will begin collecting Social Security, Medicare, and Medicaid. Funding this new spending represents the greatest economic challenge of our era, and it is a challenge that the Democrat budget has chosen to completely ignore, while going on its own spending spree elsewhere.

In the 32nd Congressional District of Texas, which I have the honor to represent, the Heritage Foundation estimates that the passage of this budget will cost every single taxpayer an additional $2,920 in 2012. It will also mean a per capita loss of $474 in personal income, as well as 2,389 lost jobs as a result of a loss of $328 million to the local economy of the 32nd Congressional District of Texas.

Mr. Speaker, I will insert into the RECORD this entire document which details the severe negative impact on the passage that this budget will have on every single taxpayer from every single district across the country.

Mr. Speaker, if fiscal discipline is what the Democrats promised voters this past fall, then, by my account, it took only 3 months for the Democrat candidates to abandon their campaign promises and an additional 2 months for Democrats to reiterate their really true support for tax-and-spend policies again here on the House floor today.

This deeply flawed budget would increase taxes on almost 8 million taxpayers just in my home State of Texas alone. It would collect these taxes by allowing the 2001 and 2003 tax relief provided by the Republican Congress to expire.

In real terms, for every American taxpayer, this means reducing the child tax credit for working families so that the government can collect $27 billion more to finance, yes, you've got it, Mr. Speaker, brand-new spending.

It means reinstating the marriage penalty and the death tax to collect an additional $104 billion so that the new majority Democrats can kick the can further down the road, rather than reforming and strengthening our Nation's entitlement programs.

And it means completely ignoring the alternative minimum tax crisis which is projected to hit 23 million middle-class families if not dealt with in a responsible manner.

Mr. Speaker, I believe the voters watching this debate on C–SPAN understand what these tax increases mean for them, the economy, and for our ability to compete globally. But they may not realize what they mean for the average family of four with $60,000 in earnings. It will mean a tax increase of 61 percent. It means that a single parent with two children and $30,000 in earnings would see a tax increase of 67 percent. And it means that an elderly couple with $40,000 of income would see their taxes increase by a whopping 156 percent.

Mr. Speaker, you can see the advantages of the Republican tax cut and what it means to every single middle-class American.

Now, one would think that a hike of almost $400 billion impacting every American taxpayer would be enough to finance the Democrats' appetite for big government. But trust me, it's just the start. This budget also contains 12 reserve funds or pet initiative IOUs which set the stage for more than $115 billion in higher future spending which would have to be financed by, you guessed it, even higher taxes.

For the last 4 years, responsible budgets passed by the Republican Party kept discretionary spending at or below inflation for all nondefense, non-homeland security spending. This budget plan brought forward by the Democrats brings this fiscally disciplined tradition to a screeching halt by allowing about $25 billion more in discretionary spending than President Bush or even the spendthrift Senate, for that matter, which asked for about $7 billion less than the House.

Thankfully, it's not too late to stop this fiscal train wreck. By voting against this rule, every Member of this

body can demonstrate their opposition to the Federal largesse included in this budget, as well as their opposition to the largest tax increase in American history.

Without the meaningful tax relief passed by this recent Republican Congress, our economy would not have seen the massive job growth with 7.6 million new jobs created for American workers and tremendous economic growth of 3.5 percent per year that has our economy growing at the highest rate and has done so over the last 15 quarters.

Mr. Speaker, I encourage all of my colleagues to stand up for fiscal discipline, economic growth, and responsible budgeting by opposing this rule and the underlying tax increase.

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

Mr. MCGOVERN. Mr. Speaker, if I could respond to the gentleman from Texas, I don't know what he's talking about. The fact of the matter is that the Democratic budget resolution does not contain a single tax increase. Period. The Concord Coalition stated that the budget resolution does not call for or require a tax increase. The Center on Budget and Policy Priorities said the House plan does not include a tax increase. The Hamilton Project of the Brookings Institute says the budget would not raise taxes.

Mr. Speaker, I sat on the Budget Committee. I had the honor of serving under Chairman SPRATT. And I would say to the gentleman from Texas, if he reads the budget resolution, it actually supports the renewal of the middle-class income tax cut.

Section 401 of the budget resolution commits the budget to the support of the middle-class tax cuts passed in 2001 and 2003, including the child tax credit, the marriage penalty relief, the 10 percent individual income tax bracket, estate tax reform, research and development tax credit, and the deduction of State and local sales taxes.

Section 203 of the budget resolution clearly provides a reserve fund for the extension of those tax cuts so long as the legislation complies with the House pay-as-you-go rule.

Now, the gentleman from Texas gets up here and brags about the fiscal record of the Republicans in the Congress. Well, the American people, I think, saw through the misplaced priorities of the Republican Congresses, as evidenced by the results of the November election.

But so there is no misunderstanding, let me make it very clear to everybody who is watching. We need to correct the fiscal course of the country because the fiscal outlook that we are confronting has deteriorated dramatically over the past 6 years because of the Republicans misplaced priorities.

In 2001, the Bush administration inherited a projected 10-year budget surplus of $5.6 trillion. That's $5.6 trillion. Within 2 years, that surplus was gone, and the United States began accumulating an amount of national debt, adding $2.8 trillion to our Federal debt burden since 2001.

Now, to make matters worse, most of that debt has been purchased by foreign investors, making the U.S. economy more vulnerable to economic and political instability and political pressure from abroad.

So for anyone to get up here and to brag about the Republican record on fiscal matters, I think, to me, defies comprehension. The record is clear. You have messed up the economy of this country in terms of this incredible debt that we have now put on the backs of our kids and our grandkids and our great grandkids. What the Democratic budget is trying to do is restore some fiscal discipline, pay-as-you-go, and to get this country back on the right course.

Having said that, Mr. Speaker, I'd like to yield 8 minutes to the distinguished gentleman from South Carolina, the chairman of the House Budget Committee, Mr. SPRATT.

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

Mr. SPRATT. Mr. Speaker, this rule simply makes in order a motion to go to conference on the House and Senate budget resolution. That's all it does.

The budget resolution, in turn, frames all that we will do in fiscal year 2008, next year; and it helps keep the process fiscally disciplined as we move forward. Usually, this procedure is accompanied by, expedited by, unanimous consent. In this case, we couldn't be assured of unanimous consent, so we are, instead, moving forward with the rule.

Now, naturally, we in the House think that the House-passed budget is a better expression of our goals. But both resolutions to be resolved in conference, both are Democratic products, and we think both are vastly better, far better budgets than the Republicans offered this year or last year, for that matter. It's a matter of record. Last year the Republicans failed to pass a concurrent budget resolution. They couldn't get the two Houses together.

When we came back here in November, we had to finish up the unfinished work. Only 2 of 11 appropriations bills were passed, partly because they didn't have the framework of a budget resolution in which to proceed.

Just weeks ago, we had the Republican budget on the House floor. It fell 60 votes short of a majority, way behind. So unless we do what we are doing today, we are going to find ourselves shortly in the same situation we were last fall when the work was undone at the end of the year.

Both budgets, both the House and the Senate budgets, have this goal. Both budgets are designed to bring the budget back to balance by the year 2012. The House resolution carries forward, I'm proud to say, carries forward our commitment to pay-as-you-go. And the Senate resolution includes a pay-as-you-go rule of its own.

There are a number of initiatives, it's true, in this bill. A number of new initiatives. One is the Children's Health Insurance Initiative, but none of these initiatives, including CHIP, will be undertaken, none of them will be undertaken unless there are offsetting revenues or offsetting expenses to make them budget neutral so they do not have any impact on the bottom line.

This budget resolution and the Senate resolution both contain program integrity measures requested by the President, augmented by us in our budget resolution to crack down on wasteful spending. We're proud of that. We want to see that money appropriated. We want to see some that could be saved on wasteful sending.

Both budgets, and let me emphasize this, both budgets support middle-income tax relief. We'll say it again and again and again. It bears repeating because it's absolutely true.

The House budget resolution sites in its text income tax cuts that were passed in 2001 and 2003, and it supports, not in one place, but two, wholesomely supports the extension and renewal of those tax cuts past 2010, when they will all expire.

Now, let me make something clear. This budget resolution for the next 4 years does not take a thing away from any taxpayer. The tax cuts passed in 2001 and 2003 remain unaffected, remain standing and in place.

In addition, let me make clear that when the tax cuts adopted in 2001 and 2003 expire at the end of 2010, it's by design. That's the way you wrote the resolution. That's the way you wrote the bill that passed it. And we do not propose anything here in this bill about not renewing those tax cuts when they come up. We simply say that's a bridge we will cross when we get to it.

But in the Senate, Senator BAUCUS has offered an amendment that will require a vote before the year 2010 to renew those middle-income tax cuts that sunset in the year 2010. The Baucus amendment limits these tax cuts to $180 billion in annual revenue reduction, the amount of the surplus that is anticipated in 2012 in the budget resolution.

□ 1615

In the meantime, let me say again, all the tax cuts passed in 2001 and 2003 were provided for, allowed and in place under this budget resolution. It is completely specious to say that we have raised taxes by one dime. Completely specious.

If you don't believe, let me say once again or let me show you in writing what Mr. MCGOVERN just introduced. Here is the Concord Coalition. Nobody would dispute their bona fides or their unpartisan character. Here is how they sum up their analysis of our budget resolution: ''Thus to be clear, the budget resolution does not call for or require a tax increase.'' That is the Concord Coalition.

Next is the Brookings Institution, Hamilton Project: ''This budget would not raise taxes.'' An independent group, no axes to grind. That is their opinion.

And, finally, the Center on Budget and Policy Priorities: ''This claim is incorrect. The House plan does not include a single tax increase.''

Those are three outside organizations with no axes to grind. They looked at our resolution. That is the judgment they rendered on it.

Now, let me move on to say that both the House and Senate budget resolutions meet the President's request for national defense. They protect our country, and they exceed the President's request for veterans' health care. Funding for veterans' health care in our resolution is 6 billion bucks, $6 billion, above the 2007 level and more than $3 billion above the President's request.

Both budgets are also designed to reduce the deficit and bring the budget back to balance, as I said earlier. That will decrease our reliance on foreigners who buy our debt. Since 2001, foreign ownership of Treasury bonds has more than doubled to $2.2 trillion, making our economy vulnerable to global markets and the whims of foreign investors.

If I could see this chart next to show you the total debt accumulation under this administration. On the back of an envelope, this shows you what we are about, what we want to avoid. When this administration came to office, the national debt was $5.7 trillion. In the last 6 years, they have added 60 percent to that sum, $3.1 trillion in additional debt. And as a consequence, the national debt stands at $8.8 trillion. This is what Republicans have produced. This isn't about claiming or argumentation or anything else. This is a matter of record. You can look it up, from $5.7 to $8.8 trillion.

Finally, this budget resolution maintains the priorities that we Democrats stand for and are proud of. We put families first. We put children first by investing in health care; child care; education; Head Start; and as I said earlier, tax relief to middle-income families. Both budgets, both budgets, plan huge steps, and this is one of the great initiatives we hope to achieve in this Congress, huge steps to expand the State Children's Health Insurance Program so that it covers most of the 9 million children without health insurance in this country, and we propose to do that with offsets so that there will not be a dime of the cost of that added to the bottom line.

In summary, Mr. Speaker, in short, this rule will make in order the steps necessary to send our budget resolution to conference so that they can move us forward on a fiscally responsible, fiscally disciplined path.

I urge support for this resolution so that we can move forward with the budget process.

Mr. SESSIONS. Mr. Speaker, my wonderful colleague from Massachusetts is trying to have it both ways: We're going to balance the budget; we're not going to cut taxes. We're going to balance the budget; we're not going to cut taxes. But, in fact, what happens is this budget relies on every single tax cut going away so that they can then say they balance the budget, but the fact of the matter is that they do not even address the biggest issues and the problems that face the Nation.

He is correct. The gentleman from Massachusetts is correct. Republicans did produce a balanced budget as a result of cutting taxes and fiscal discipline in 1997, 1998, 1999, 2000. And in 2001, the day America was attacked, we had a balanced budget. He is absolutely correct. Since that time, we have not had a balanced budget. One million jobs were lost within 1 month after 9/11, 2001. And so as a result of that, Republicans decided that in order for us to gain financial advantage, that we would have tax cuts.

It is true that, as a result of rules in the Senate, the other body, that we could not make these tax cuts permanent. It is also true that every single year since that period of time that Republicans have asked Democrats, please make every single one of these tax cuts permanent, well, that's like light to a vampire. Absolutely no, not for the Democrats, because they're opposed to the tax cuts. They're on record of opposing the tax cuts. And today they come to the floor, oh, we're not taking away any of the tax cuts. Of course they are. Because if they didn't, they couldn't then ''balance the budget'' that they have on the floor today. That is exactly what they are doing.

Second point, Social Security, as a result of our growing economy, every single new worker that comes in, Social Security has to add to its deficit the amount of money that is owed to Social Security every time we get a new worker, and that is more than half of this deficit. It's an accounting gimmick because what happens is that Social Security accounts for what they have to have as an unfunded liability out for 50 years.

So to talk about the irresponsibility, I will take part of the blame. But growing this economy, having increased tax revenue, having the greatest single economy we have ever had, more people than ever living in homes, their own homes and our challenging the Democrat minority and now majority to say, why don't we get on with the real things that are important like worrying about Medicare and Medicaid? Nothing. Why don't we make sure that families do not have to pay after-tax dollars for health care? Silence. Silence from our Democrat majority.

The new Democrats want to tax and spend. That's what they've always been about. That's what they're about on the floor of the House of Representatives today. And they're trying to get it both ways.

Mr. Speaker, I would like to yield such time as he may consume to the ranking member from the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding, and I want to echo the point he made.

Our chairman, the distinguished gentleman from South Carolina, came to the floor and accurately said both budgets, the Senate budget resolution and the House-passed budget resolution, balance the budget. That is correct. They do. It is certified by the Congressional Budget Office. There is only one reason and way and method how they balance the budget, though, Mr. Speaker: by raising taxes.

The House-passed budget resolution relies upon, requires, in fact, makes sure that it passes the largest tax increase in American history in order to balance the budget. The Senate-passed budget resolution relies upon, requires and ensures that the second largest tax increase in American history be enacted on the American people, on the American taxpayers, in order to achieve balance.

I have two major concerns with this budget resolution, Mr. Speaker. Number one, it is very bad economic policy. And number two, it is an enormous missed opportunity.

Why is this budget resolution bad economic policy? Inflicting the largest tax increase in American history on the American family, business, entrepreneur, on American taxpayers, is bad economic policy. And here is why: Back in 2001, where we realized we had 9/11, and in 2003, where we realized we had a recession, with the dot-com bubble burst, with Enron scandals, we had job losses to the tune where we were losing about 124,000 jobs a month. We had to act quickly to get people back to work, so we cut taxes across the board. We cut taxes on entrepreneurs, on families, on workers, on businesses, on capital. What happened: 7.6 million new jobs were created since then. We have been creating on average over 200,000 jobs a month since then. The stock market turned around. The savings portfolios of senior citizens which were eviscerated in the market crash came back. The Dow hit 13,000 last week, an all-time high. We saw business investment, from negative decline after negative decline for 11 consecutive quarters, turn around and hit all-time highs. More jobs were created. And what happened at these lower tax rates? Revenues came into the Federal Government at a much, much faster pace, at about a 25-year high. So we saw more revenues coming into the Federal Government, which actually brought the deficit down at these lower tax rates.

What this budget resolution does is it puts that economic recovery plan in jeopardy. By raising taxes on people and businesses and entrepreneurs, you are reducing job growth in America. You are raising the cost of capital.

We have a problem, Mr. Speaker, and that is we live in the era of

globalization. The oceans no longer separate our economy from the rest of the world. Ninety-five percent of the world's consumers don't live in this country. They are overseas.

So, Mr. Speaker, we have got to wake up. Wake up to the fact that we have real competitive pressures. Countries like China and India, let alone Japan and Europe, are giving us real competitive pressures, real competitive challenges. And when we go back to the old adage of taxing, taxing and taxing, what we are going to do is tax more and more jobs overseas to these other countries. By taxing our economy and our businesses and our workers more and more than our competitors tax theirs, you know what happens? They get our jobs. That is a mistake. That is wrong.

America taxes capital more than any other industrialized country in the world except for one, Japan, and they just finished two decades of recession. So it is really bad economic policy to have all these tax increases.

You just heard the gentleman from Massachusetts talk about the reserve funds they have in this budget. They really want to make sure that they don't raise these taxes. So they put a reserve fund in the budget. And the reserve fund basically says, we don't want to raise these taxes; we would like to come up and pay for them, but our money is not there.

A budget is basically a page full of numbers, and numbers don't lie. The numbers in this budget require these taxes to go up, require these taxes to sunset; otherwise, they don't balance the budget.

You can't have it both ways. You can't balance the budget on the left hand and then say we are not raising taxes on the right hand. It is one or the other. So regardless of how many empty promise reserve funds you have in a budget resolution, the numbers don't lie, and the numbers say these taxes are being raised.

Now, as to the point that the sunset was put in by the Republicans, not by the Democrats, and we are simply letting this Republican policy manifest itself, and we are budgeting for it, that is not quite true, Mr. Speaker. And I remember being a member of the Ways and Means Committee and working on the conference committee at this time. When these tax cuts went through the Ways and Means Committee in the House, when these tax cuts passed the House floor, they were permanent. They never had a sunset in them. What happened? This arcane rule in the Senate called the Byrd rule was put in place. And the Byrd rule said for these tax cuts to be permanent, it needs 60 votes in the Senate. What happened? We had 52 Republicans voting to make them permanent; no Democrats would vote to make these tax cuts permanent. So the Democrats filibustered making these tax cuts permanent, and because of the Democrat filibuster in the Senate, these tax cuts were made temporary. The only way to get this tax relief to the American economy, to the American people, to get out of the job loss, to get out of the recession, was this temporary tax policy because of the Democrat-led filibuster by then Senator Daschle at the time in the Senate. That's why there's a sunset in this law.

We always kind of wondered at the time, why would they stand in the way of the taxpayer and make these tax cuts temporary? Why would they insist upon these sunsets? Well, now we know why. Because it is how they balance the budget because they plan on, bank for, certify, require, rely on these tax cuts going away.

The second reason I think this is a bad policy is it is an enormous missed opportunity, Mr. Speaker. The gentleman from South Carolina, who really is a gentleman from South Carolina, and I mean that sincerely, had a lot of good hearings in the Budget Committee. We have had a few in Ways and Means as well. We had all these experts coming to us from the left and from the right, from think tanks on the left side of the aisle and think tanks on the right side of the aisle, we had the Congressional Budget Office, the Federal Reserve Chairman, the Treasury Department coming to us, all saying the same thing: Entitlements are growing out of control. The entitlement program problem is enormous. We are doubling the amount of retirees in this country within one generation; yet we are only increasing the amount of workers coming in behind them by 17 percent.

□ 1630

We have an enormous unfunded liability, about $49 trillion. It's a mind-boggling number. But when you take three entitlements, Medicare, Medicaid and Social Security, those three entitlements right there, Mr. Speaker, will consume 100 percent of the Federal budget by the time my children are my age.

So all these experts came to us and said, Do something. You're the Budget Committee, you've got to do something to control the growth of entitlements. It's going to bankrupt America. And if we don't do anything, if we keep the government we have today and do nothing to reform entitlements, by the time my children are my age, they will literally have to pay double the amount of taxes for that Federal Government at that time.

Let me say it one other way, Mr. Speaker. Since about 1960, Washington has funded the Federal Government by taxing the U.S. economy by about 18 percent of the economy. About 18 percent of the gross domestic product has been required to pay for the Federal Government. It's been remarkably consistent. Now, if you take today's government, add no new programs, take none away, and transfer that out to about 2040 when my kids are my age, just to keep today's government afloat at that time you will have to tax 40 percent of GDP, 40 percent of the national economy just to pay for that government because of three entitlement programs.

You can't compete with China and India by taxing our economy at 40 percent, let alone Germany and Japan. You can't prepare for globalization. You can't help people get careers for tomorrow and enjoy higher standards of living if we don't address our entitlements right now.

That is the biggest travesty of this bill, Mr. Speaker. This bill says we will do absolutely nothing, nada, zilch, nothing at all either in the Senate budget resolution or the House budget resolution to attack and reform entitlement programs, to attack this problem for 5 years. This budget says let's do nothing to fix our entitlement programs for 5 years. That means we accelerate and exacerbate the bankruptcy of Social Security, of Medicare, of Medicaid. How is that helping senior citizens if we push these programs faster toward bankruptcy? I think that's wrong. I think we need to fix these programs so seniors can better rely on these programs.

And you know what, Mr. Speaker? In Wisconsin we say this a lot, and I think people say it around the country, and prior generations always told this to me, my parents and my grandparents, they said, the thing about America, what's beautiful about America is that one generation works hard and leaves to the next generation a country that's better off. The dream of parents is to leave your children with a country that's better off so you can enjoy a higher standard of living. That is the beautiful legacy of America.

Mr. Speaker, we are at risk of severing that legacy. If we don't address these entitlements, if we simply go the old easy Washington route of simply raising taxes and raising spending and doing nothing to address this entitlement problem, we will really run the risk of severing that legacy and giving our children a lower standard of living than that which we enjoy today.

We have new competitive pressures from other countries unlike any we have seen before. Raising taxes on families and workers will not bring more prosperity to America. It will give jobs to other countries. Doing nothing to attack the entitlement problem in this country will only ensure that an unprecedented mountain of debt is befallen onto our children and our grandchildren, and they are going to have to pay far higher taxes than any American has ever paid in the past.

This, Mr. Speaker, is why I say vote against this rule and vote against this budget resolution, which includes and relies on the largest tax increase in American history and the biggest missed opportunity by doing nothing to reform entitlements over the next 5 years.

This could have been a bipartisan opportunity to fix these problems. Sadly, it's not.

Mr. McGOVERN. Mr. Speaker, just because my colleagues on the Republican side say that the Democratic budget raises taxes doesn't mean it's true. Let me repeat that so no one misses this point. The budget resolution that we are talking about does not contain a single tax increase. That is a fact. Sometimes facts are a stubborn thing, but that is the fact. And the Republican spin machine can say whatever it wants; but the fact of the matter is, and I repeat, this budget resolution does not increase any taxes.

Secondly, I appreciate the fact that the gentleman from Texas was waxing nostalgic about the Clinton years when President Bill Clinton was the President of the United States and we were getting our fiscal house in order. But what I was talking about was what happened when President Bush became President and we had Republicans in the White House and in the Congress, and that is when we saw the skyrocketing of our Federal debt.

You know, budgets do reflect the priorities of a nation. And one of the reasons that I think people decided to vote for change in the last election is because they did not appreciate the priorities that were put forth by the previous Republican Congresses. They did not appreciate our veterans being shortchanged; they did not appreciate the most vulnerable in our country being shortchanged. If anyone has any questions about whether or not we were adequately funding veterans health, just recall the recent scandals of Walter Reed and at so many other of our veteran hospitals all across the country. You know, we voted in this Congress to send our young men and women into war. The least we can do is to make sure that the necessary funding is there to take care of them when they return, and the Democratic budget does that.

Let me also say for the record, Mr. Speaker, that notwithstanding all of the flowery language that we've heard from the other side, it is important to remember that in the last 6 years poverty has gotten worse in America. There are more people today than 6 years ago that need to rely on food stamps and other government programs just to get by.

So these fiscal policies that have resulted in skyrocketing debt, that have resulted in foreign countries like China purchasing our debt, I don't know how that serves our national interest, have not produced this incredible economic boom that we're hearing today. And I would encourage my colleagues to look at the statistics, to look at the facts, to talk to some of the people who have gone from being in the middle class, who have now fallen below the poverty line. There are far too many people that have done that, and what we are trying to do is to make sure that there is opportunity for everyone.

At this point, Mr. Speaker, I would like to yield 5 minutes to the distinguished chairman of the Budget Committee, Mr. SPRATT.

Mr. SPRATT. I would say to my friend, the gentleman from Wisconsin, and I mean that compliment, I return the compliment, that I nevertheless vigorously disagree with some of the points you just made.

Facts are stubborn things, and the fact of the matter is that during the Clinton years, on average 237,000 jobs were created every month over an 8-year period of time. The Bush record is half that amount, if that. During the past month, you're leading with your left making that point at this point in time because during the past month job growth was just 88,000 jobs.

Secondly, with respect to Medicare, we know that Medicare has to be dealt with, but you know as well as I that this is not the forum. We need a much bigger group. We need the administration involved in the process. It is a very difficult undertaking to make the systemic changes that are necessary. And before we commence those negotiations, we need to do what President Clinton required in 1997, everybody needs to put some ante on the table. Everybody's got to have some skin in this game to be a player in this process of trying to diminish the cost of the health care entitlements to the United States. It has to be done, but this is not the correct forum for doing it.

The gentleman's budget resolution, I believe, cuts Medicare by $250 billion.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. No. It increased Medicare spending. It just didn't increase it as fast as it is projected to grow at this time.

Mr. SPRATT. Well, the President's budget cut Medicare by $252 billion over a 10-year period of time and cut Medicaid by 50 to $60 billion over the same 10-year period of time.

Mr. RYAN of Wisconsin. Will the gentleman yield for a question?

Mr. SPRATT. Those numbers are correct, are they not?

Mr. RYAN of Wisconsin. The President's numbers on the 10-year? I think they are probably correct; I have no reason to dispute them. But remember, Medicare spending goes up every year and thereon after under either of these budgets.

Mr. SPRATT. Well, I can only surmise what happened to your budget resolution. One reason it didn't muster, besides the fact that you lost 40 votes, as you recall, is I am sure there are certain Republicans on your side of the aisle who did not want to vote for those massive cuts emasculating Medicare and Medicaid.

Mr. RYAN of Wisconsin. The question I have for the chairman is, if we're not going to fix these entitlements in the budget, then where are we going to fix them? If we don't put it in the Federal budget, then how do you get it done? If you don't have reconciliation protection to do entitlement reform, then when are you ever going to do it?

The 1997 bill that President Clinton passed through on a bipartisan basis was reconciliation.

Mr. SPRATT. If I could reclaim my time, it takes a bigger forum than the Budget Committee provides. It takes more participants than just the Congress. Everybody has got to be a player in this game to make it happen in a significant way because it has got to involve, as you and I know, systemic change. No question about it.

And, finally, PAYGO. We are proud of the fact that we adopted the PAYGO rule in 1991, and it contributed significantly to the fact that over a period of 8 years during the Clinton administration the bottom line of the budget got better every year for 8 straight years to the point where we had a surplus of $236 billion under the Clinton administration resulting in part from the Balanced Budget Act of 1993 and 1997. $236 billion we handed over to President Bush. By the year 2004, between 2001 and 2004, we went from a surplus of $236 billion to a deficit of $412 billion. That happened on your watch. The Republicans controlled the House, they controlled the Senate, they controlled the White House. There is no way you can escape responsibility for what happened in those circumstances.

Mr. RYAN of Wisconsin. Will the chairman yield for an additional question?

Mr. SPRATT. I yield to the gentleman.

Mr. RYAN of Wisconsin. Why doesn't the gentleman's PAYGO apply to discretionary spending? Why doesn't the gentleman's PAYGO apply to current Federal spending?

Mr. SPRATT. PAYGO is never applied to discretionary spending. It would be very difficult at this time to do it when every year we have an end run around discretionary budget with the President's supplementals for Iraq and Afghanistan. It would be very difficult to cap discretionary.

Your party, on its watch, allowed PAYGO discretionary spending caps, all of those constraints in 1990, to expire and did not renew them. The main reason you didn't was you knew if we had a double-edge PAYGO applicable to tax cuts as well as mandatory increases, you would be unable to pass additional tax cuts as part of your agenda.

Mr. RYAN of Wisconsin. May I make an entreaty to the chairman?

Mr. SPRATT. Yes, sir.

Mr. RYAN of Wisconsin. I would love to work on a bipartisan basis to put discretionary caps in place. I would be delighted to work with the chairman of the Budget Committee to put discretionary spending caps in place. Is that something that you would be willing to work with us on?

Mr. SPRATT. We'll talk about it. If we've got a forum, the Budget Committee, once we've got this budget resolution behind us, and that is the order of the day, there are lots of things along those lines that we can explore, and we will.

Let me conclude by saying everybody should vote for this budget resolution if they want to see an orderly, fiscally responsible, disciplined process in the next fiscal year.

Mr. SESSIONS. Mr. Speaker, I would like to take just a second and highlight the admiration that this House has for the two gentlemen who have just been speaking. The gentleman, Mr. SPRATT, and the gentleman, Mr. RYAN, have conducted themselves despite tough differences, and I applaud both of them, in particular my good friend from South Carolina (Mr. SPRATT) for the conduct that he has on this floor.

Now back to the real issues.

Mr. Speaker, the bottom line is the Republican minority is here on the floor of the House today opposing this bill. We are opposing this resolution because we do not believe that this properly talks about the future of this country for entitlement spending, raising taxes and not being responsible for the future opportunity for America to compete.

So we, once again, continue our opposition to the process that is happening today, as well as the underlying legislation.

At this time, Mr. Speaker, I would like to yield 5 minutes to the gentleman from the Fifth Congressional District of Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to this rule and to this underlying resolution.

I have listened to my chairman carefully, the gentleman from South Carolina, and I wish to add my respect along with that of the gentleman, ranking member from Wisconsin. He conducts our committee in a very fair-minded manner, and I appreciate and respect him for that. And I take him at his word when he says that he believes that he is putting forth on this floor a fiscally responsible budget. But, Mr. Speaker, there is a distinct difference in our philosophies. How you look the American people in the eye and impose upon them the single largest tax increase in American history and call that fiscally responsible is simply beyond me. Our chairman has a different definition.

Now, I believe that what we need to do is try to help protect the family budget from the Federal budget. Already, Mr. Speaker, we are awash in Federal tax revenues. And we've heard the gentleman from South Carolina and many other people from this side of the aisle extol the virtues of their balanced budget. Okay. If they have a balanced budget, did they cut spending to get there? No. There is only one other option, and that is that they increase taxes.

And don't take my word for it, Mr. Speaker. Go, for example, to the Washington Post, not exactly a bastion of conservative thought in our Nation. They have said that the only way the Democrat budget will achieve balance is they assume the tax relief goes away, and thus it imposes the single largest tax increase in American history.

Now, I have heard our chairman and other people from this side of the aisle, different colleagues get up and say, well, we're not really raising taxes on the American people, we're just letting the tax relief expire.

□ 1645

But if you make the same paycheck last year that you made this year and your tax bill is higher, that is going to be a distinction that is lost on the American people.

Is it letting tax relief expire if it is a tax increase? I have to tell you, if the people in the Fifth Congressional District of Texas have to pay a larger tax bill, they call it a tax increase, and the sooner that we in this body recognize that fact, the better off America will be. Under the Democrat's budget resolution, the average family, the average family in Texas will have a $2,700 a year tax increased phased in over 5 years.

Something else we need to remember, Mr. Speaker, is that every time you are taking money away from the American family to plus-up some Federal budget category, you are having to subtract from some family budget category; $2,700 a year is a lot of money to Texas families. How many families can no longer send a child to college because of the single largest tax increase in American history that the Democrats are trying to impose upon us? How many American families will not be able to find their American dream, to put together their savings and invest in that first small business because the Democrats are imposing the single largest tax increase in American history? How many families will no longer be able to afford their healthcare premiums because the Democrats are imposing the single largest tax increase in American history? $2,700 a year.

First, the working poor under this plan would have their taxes increased 50 percent, from the 10 percent bracket to the 15 percent bracket. The child tax credit would be cut in half. The death tax would come up to where Uncle Sam could take as much as 55 percent of your estate.

Mr. Speaker, as bad as this budget is for what it does, it is even worse for what it doesn't do, because I know the chairman presided over the hearings that I attended with the Federal Reserve Chairman, with the head of OMB, with the Secretary of the Treasury, with CBO, who all said the same thing: The single largest fiscal challenge in this Nation is out of control entitlement spending, and this budget is stone-cold silent on that number one challenge.

As bad as the tax imposition is going to be on this generation, if we don't act, if we kick the can down the road, if we avoid leadership, the next generation will see their taxes double. There is nothing fiscally responsible about doubling taxes on the next generation, nothing fiscally responsible about taking their dreams away.

Mr. Speaker, we must defeat this rule and defeat this budget. Again, Mr. Speaker, I don't understand why you would avoid dealing with the number one fiscal challenge in the Nation.

I know the chairman, the gentleman from South Carolina, said this isn't the place to do it. Well, I will ask a question that was asked by a very famous President: If not us, who? If not now, when?

I am curious as to what advantage we have by somehow kicking this can down the road to some other body or to some other bill or to some other institution. At least in the last two Republican Congresses, we had two budgets in a row from the House, from the House, that actually made steps toward reforming entitlement spending.

Now, it is a huge challenge, I admit, but every year we avoid it. In Social Security alone, we run up an extra $400 billion of debt, of unfunded obligations to pass on to the next generation. And yet the Democrats turn their back on this once again. That is another reason to defeat this.

Mr. MCGOVERN. Mr. Speaker, let me just repeat for the record that section 401 of the budget resolution commits the budget to support the middle-class income tax cuts passed in 2001 and 2003, including the child tax credit, marriage penalty relief, the 10 percent individual income tax bracket, estate tax reform, research and development tax credit, and the deduction of State and local sales taxes.

Section 203 of the budget resolution clearly provides a reserve fund for the extension of those tax cuts so long as the legislation complies with the House pay-as-you-go rule.

I would simply say to my colleagues that under their watch, that many middle-class taxpayers actually saw their taxes go up, because when the Federal Government cut essential programs to States and cities and towns, people saw their property taxes go through the roof.

I think one can make an argument that people are paying far too high gas prices right now because of the years that were squandered under the Republican leadership, emboldened to the oil industry and refusing to invest adequately in alternative sources of energy.

Mr. Speaker, I would simply say that this is a good budget, and I would urge my colleagues on both sides of the aisle to support the rule and support the budget.

Mr. Speaker, if I could inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 7½ minutes remaining. The gentleman from Texas has 1 minute remaining.

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

Mr. SESSIONS. Mr. Speaker, we are opposed to this bill. The first thing this is going to do is provide for higher taxes, $392 billion worth of new taxes between now and 2012. Secondly, this budget outspends inflation. It outspends inflation moving forward that will increase higher than the average of 2.4 percent. It is reckless entitlement spending increases. It is either empty promises or tax increases that they have.

Mr. Speaker, lastly, it is very obvious that there is no entitlement reform that will take place. They had a 5-year budget to do it. They had 5 years to look out and say, we are going to match our Republican colleagues. It is now our chance, because the Republicans tried and got no support from the Democrats for the last 12 years to make sure we could do entitlement reform. Now it is their turn. Nothing. Nada. They are ignoring the future. This is a bad precedent.

We know that the Democratic party is about taxing and spending. It is obvious. It is there today. We will let them vote for the tax increases. We will continue on the Republican side to make sure that we are for growing the economy and cutting taxes.

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

Mr. MCGOVERN. Mr. Speaker, in closing, let me just say that I think there is a reason why the Republicans lost the last election, and that is that the people of this country were fed up with their priorities. They were tired of budget resolution after budget resolution that shortchanged our veterans, that shortchanged our schools, that shortchanged our environment, that shortchanged our senior citizens, that shortchanged health care.

As I pointed out earlier, Mr. Speaker, there are more people in poverty today than 6 years ago. There are more people who are food insecure today than 6 years ago. That is not a record of accomplishment that I would want to brag about on the House floor.

The budget that Mr. SPRATT has brought before us achieves key objectives in six areas. It is fiscal responsibility, defending our Nation, putting our children and families first, growing our economy, preserving our planet, and promoting an accountable and efficient government.

Mr. Speaker, we have inherited this incredible budget deficit and this debt from the previous majority. It is not easy to try to clean up this mess, but that is what the underlying budget before us tries to do.

I would urge all my colleagues to vote for it. It is the right thing to do.

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 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.

HOMELESS VETERANS HOUSING AT SEPULVEDA AMBULATORY CARE CENTER PROMOTION ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1642) to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a sober living facility for veterans only, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1642

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 ''Homeless Veterans Housing at Sepulveda Ambulatory Care Center Promotion Act''.

SEC. 2. ENHANCED USE LEASE FOR SEPULVEDA AMBULATORY CARE CENTER, DEPARTMENT OF VETERANS AFFAIRS.

(a) REQUIREMENTS FOR LEASE.—The Secretary of Veterans Affairs may enter into an enhanced-use lease under section 8162 of title 38, United States Code, at the Department facility known as the Sepulveda Ambulatory Care Center (in this Act referred to as the ''Center''), for a homeless housing project, only to the extent, subject to the exceptions provided in subsection (d), that any such lease contains legally enforceable provisions that the tenant under the lease shall comply with the following terms and conditions:

(1) That the housing project located at the Center shall provide housing exclusively for veterans, as defined in section 101 of title 38, United States Code.

(2) That such housing project shall be maintained, for the duration of the lease, as a sober living facility.

(3) That the housing project shall be adequately staffed with health care, counseling, and security personnel, taking into account the ratio of such staff to residents, in order to protect residents of the housing project and of the community, and that the minimum staffing ratios shall be specified in an enforceable provision of the lease.

(4) That the housing project shall provide housing to not fewer than 150 and not more than 225 residents.

(b) CONSIDERATION OF QUALIFIED ORGANIZATIONS.—The Secretary shall consider proposals for the enhanced-use lease under subsection (a) from all organizations determined by the Secretary to be qualified, and which are capable and willing to comply with the terms and conditions described in paragraphs (1), (2), (3), and (4) of subsection (a).

(c) SELECTION OF ORGANIZATION.—In the event that there are more than one qualified organizations described in subsection (b) which submit a proposal, the Secretary shall enter into the enhanced-use lease under subsection (a) with the organization that the Secretary determines shall offer the best treatment services, security staffing, and supervision with respect to residents of the housing project. The Secretary shall give preference to entering into such a lease with a qualified organization which has the most experience nationwide in providing housing and treatment for homeless veterans.

(d) EXCEPTIONS.—If the Secretary, after a diligent search, is unable to enter into an enhanced-use lease with a qualified organization containing all of the terms and conditions specified in subsection (a) on or before a date that is 12 months after the date of the enactment of this Act, the Secretary—

(1) may enter into such a lease with a qualified organization providing that the housing project shall be exclusively for veterans during the duration of the lease, with preference given to an organization which housing project shall provide housing to the highest number of residents not exceeding 225; and

(2) if, after a diligent search, the Secretary is unable to enter into such a lease with a qualified organization that provides that the housing project shall be exclusively for veterans during the duration of the lease, may enter into such a lease with an organization providing that not less than 80 percent of the residents of the housing project shall be veterans throughout the duration of the lease.

The SPEAKER pro tempore (Mr. BAIRD). Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I rise in strong support of H.R. 2642. We all know that homelessness among veterans is a pervasive problem. Estimates are that there are 20,000 to 30,000 homeless veterans in the Los Angeles area alone and more than 200,000 probably on the streets of our entire Nation. Many of these homeless veterans also have substance abuse problems.

My colleague and friend, Congressman BRAD SHERMAN, has worked with veterans in the San Fernando Valley community to mobilize community support for veterans-only housing, a project that will use two buildings at the VA Sepulveda complex to provide housing and supportive services for homeless veterans with substance abuse problems.

The bill before you will ensure that the Sepulveda veterans facilities and resources are used for veterans only. It also provides that all qualified housing organizations receive the opportunity to compete for the homeless veterans housing project at Sepulveda. Most importantly, this bill directs the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced use lease for a homeless housing project at Sepulveda shall be maintained as a sober living facility for veterans only with adequate staffing and security.

Additionally, this bill will ensure that all qualified housing organizations receive the opportunity to present competing proposals to the VA for a

homeless veterans project at the Sepulveda Ambulatory Care Center in North Hills, California.

Mr. Speaker, two worthy and good nonprofit organizations, New Directions, Incorporated, and their partner, A Community of Friends, made a proposal to local VA administrators and local elected officials and community representatives to enter into this lease with the VA for a veterans-only housing project for recovering substance abusers that would in fact be alcohol-free and would have adequate staffing and security. All the parties that were brought together by Mr. SHERMAN agreed to these commitments.

But just last summer, the nonprofits abandoned that proposal and sought enhanced-use lease to deliver a project that was substantially different than what everyone had agreed to earlier. They took these steps after discovering additional funding sources through Housing and Urban Development that it believes might be available for this project if it opens these facilities to residency by non-veterans and allows the use of alcohol.

Mr. Speaker, how can you begin to help homeless veterans who are trying to get their lives together, trying to recover from addictions to drugs and alcohol, but putting them in a facility that allows the very thing from which they are trying to recover? It does not make any sense.

This bill does not stop the Secretary of the VA from entering into a lease, but it does ensure that the Secretary conduct a diligent search to find a qualified organization with the experience, efficiency and funding sources to deliver a veterans-only, sober living facility and to enter into a lease with the organization best suited to deliver the projects.

Mr. Speaker, I urge my colleagues to support passage of H.R. 1642. I also ask for their continued support for our Nation's veterans. This bill is the least we can do to help ensure our homeless and recovering veterans have an environment that allows them to reach their goal, clean and sober.

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

□ 1700

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I do not oppose H.R. 1642, the Homeless Housing at Sepulveda Ambulatory Care Center Promotion Act, I do have some concerns about the bill.

This legislation would require that the enhanced-use lease for a homeless veterans housing project at the Sepulveda VA Outpatient Clinic provide sober-living housing exclusively for veterans. The bill also mandates that the housing project be adequately staffed and provide for not fewer than 150, nor more than 250, residents.

At first glance, this sounds like a reasonable requirement. In fact, it is my understanding that the original lease proposal by New Directions, which received the support of the local community leaders, contained a veterans-only facility with a sober-living campus. However, when New Directions sought additional funding through the Housing and Urban Development Agency, HUD, due to Federal HUD's governance requirements, they could no longer stipulate in the contract that the facility would be a veterans-only ''with no alcohol on the premises'' facility.

New Directions is a residential substance abuse and mental health treatment program created by a Vietnam veteran and former homeless veteran John Keaveney. Since 1991, New Directions has been working in conjunction with other service providers and the Department of Veterans Affairs to help assist homeless veterans. In 1994, New Directions became the first social services agency in the country to provide temporary housing and services to homeless female veterans as well as family members of veterans.

To address these issues, Secretary of Veterans Affairs, James Nicholson, on March 8, 2007, sent a letter to the New Directions administration that would operate the housing under a dry-housing model whereby the residents would agree not to use alcohol or intoxicating drugs. With more than 20,000 homeless veterans in that area, it was anticipated that all of the beds could be filled entirely with veterans.

Mr. Speaker, here is my concern: the Congressional Budget Office in their April 30, 2007 cost estimate for this bill stated: ''VA is currently in the process of finalizing an enhanced-use lease for the Sepulveda facility with a nonprofit organization, New Directions. However, New Directions cannot reach the specified conditions in this bill. Based on information from VA, CBO expects that under the bill, the Department would be required to break off arrangements with New Directions and search for qualified organizations, a process that could take a few years.''

New Directions has agreed to operate under a dry-housing model, and there is certainly a sufficiently large veterans homeless population in the area to virtually guarantee that the facility will be occupied entirely with veterans. Yet my colleagues wish to impose this legislation which would significantly delay the project.

Mr. Speaker, I understand why the local community would want this legislation. However, H.R. 1642 does not address what happens to the hundreds of homeless veterans in the north Los Angeles area who would have been helped by this facility while they wait several years for the VA to begin this process to enter into a new lease.

With the passage of this legislation, are these homeless veterans still on the street waiting for a lease with better terms? That's the question that the American public deserves an answer to.

I would hope that this body can be offered some assurances that temporary provision will be made for the many homeless veterans during this hopefully brief period of delay while a new lease is negotiated. Then, Mr. Speaker, I would be more comfortable in supporting this bill.

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

Mr. FILNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I appreciate the concerns that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) raised. I think the concern should be directed to the VA Secretary who, if he had asked for a competition on proposals, wouldn't be negotiating with just one group.

I personally have talked to groups that say they would offer proposals which would guarantee all veterans and would guarantee sober living, and we are convinced it would not take 2 years, but could be done rather quickly.

I think Congressman SHERMAN can answer with much greater expertise and I would yield to him such time as he may consume.

Mr. SHERMAN. Mr. Speaker, I would like to thank the House for taking the time and focusing on an issue that is relevant to just one district, namely mine, a facility that is in my district.

I would like to thank the chairman of the committee for coming out to my district and for meeting with veterans and for meeting with those who run the VA in our area and for understanding this issue so well; and for meeting with the one developer who opposes this bill.

And I want to thank the gentlelady from Florida for taking her time to study an issue that after all just relates to one district and one facility.

Now, let me tell you why we are here. It is a story that I can relate briefly.

A developer came to our community and said they would like to provide housing for 150 homeless veterans with substance abuse problems in our suburban neighborhood. You can imagine in some communities those who believe in NIMBY-ism, ''not in my backyard,'' would have said, oh, take care of veterans, but not here. I am proud of my community.

I had countless meetings. Yes, there were a few naysayers. But finally after many meetings, the community was clear, we want to help this project. We want to help veterans, particularly those that are homeless and suffering from substance abuse problems. We as community organizations want to volunteer, our veterans organizations want to send people, our employers want to provide jobs, all so homeless veterans can get the help they need not only with housing but with substance abuse problems.

What we got in return was a clear statement of three principles: that the facility would be for veterans only; that there would be adequate staffing ratios set forth in the lease so that as long as the lease would run, we would know that it was adequately staffed;

and, finally, that the facility be clean and sober because it was designed for homeless veterans with substance abuse problems. We wanted to provide the special environment these veterans need to recover.

And we assumed that once we as a community urged the VA to go forward with a program, they would open it up to a variety of organizations and say we've got two empty buildings right here in the City of Los Angeles in the North Hills community; come and give us your proposals. Instead, something else happened.

First, for reasons I do not understand, the VA decided to spend a lot of time just focused on one developer. Second, that developer, who had promised our community, and these promises were reduced to writing, that the program would have guaranteed staffing ratios, decided to back out of that promise, decided that they would rather not have to provide any particular level of funding.

They had come to us and said the program would be veterans only and would be alcohol free. But then they discovered that certain sources of funds would be available to them only if it was for general public housing; and that in order to get certain sources of funding from HUD, they would have to open it up to non-veterans and they would have to allow alcohol because in a general housing facility open to all types of homeless people, you don't turn to every homeless person and say, We will give you a roof, but you can't have a beer.

So they had to change the proposal from a design to treat homeless veterans' abuse problems in the best way possible, to one that was a general proposal. And VA headquarters decided they had already had so many discussions, it was easier for them, they wanted their statistics to look good, they wanted to cut the ribbon on a facility, that they would just go down the road and provide a 75-year, rent-free lease on valuable land in valuable buildings in the City of Los Angeles to this developer, allow non-veterans, allow alcohol use, not require any staffing ratios.

Now, what does my bill provide? It says to the VA: have an open process; allow the Salvation Army to submit a proposal; allow U.S. Vets to submit a proposal; allow the groups that met with the chairman in my district to submit proposals; and do your best to get a facility that is veterans only; that has adequate staffing ratios guaranteed; and that provides the alcohol-free therapeutic environment these veterans need. Do it in less than a year, says the bill. And if for some reason you can't find some qualified organization to submit a qualified proposal, then go forward. Do your best for veterans, but go forward, because we don't want to delay the use of these buildings to provide care for veterans for any significant amount of time.

I am confident that if the VA opens its process that these groups who have met with me and who have met with the chairman will come forward.

Now, I have recently seen a letter that is issued by the one organization that does not want an open process. They would rather just go ahead and sign a lease. Keep in mind the four issues: staffing; alcohol prohibited; veterans only; competitive bidding.

This comprehensive and long-letter response doesn't deal with the staffing issues because there is no reason to sign a 75-year, no-rent lease without the VA at least putting in there you will have so much staff. This long response does not deal with the issue of alcohol use because there is no reason that an organization that wants to help homeless veterans with substance abuse problems would allow alcohol except for the reason that that opens up funding sources that they otherwise don't have.

Instead, they focus on two other issues. The first is they say legal counsel has advised us that restricting the project to veterans only would expose us to legal liability. That is their phony argument for not having it veterans-only. Why is it phony? I used to be a lawyer. I could have advised any client who paid me that they would face legal liability if they scratched their nose. The fact is while anybody can get sued for anything, any activity, including breathing, can subject you to theoretical legal liability, all over this country we have veterans-only housing. We have a dozen projects in L.A. County alone.

And while you can always find a lawyer to say something could subject you to possible legal liability, none of these hundreds of veterans-only housing facilities has been sued.

What is the real reason? They say we have located funding sources that will not allow veterans only. That happens to be true. The Salvation Army and U.S. Vets, I am convinced and they are convinced, can find the funding sources that will allow for veterans-only projects. But this New Directions group has found only the wrong funding sources.

It is true there are many properly funded veterans-only clean and sober housing facilities across this country, but it is harder to do that kind of project than to do a project that can accept funding from those sources dedicated to general public use.

This may be an issue we in Congress want to look at. We may want to make it easier to have veterans housing in this country, to allow veterans-only projects that are alcohol-free to compete for the HUD money from particular programs, but that is a national issue. The local issue is that many organizations can do it right and can get their funding from sources that want to fund veterans-only clean and sober facilities.

Now this organization has given me an oral promise that at least initially they will only have veterans living there; but it is a 75-year, rent free, no-competitive bidding contract; and we will have no assurance that within years this project will not include both veterans and non-veterans.

This is of such importance to veterans of L.A. County because there is valuable land owned by the VA in my district, and even more valuable in an adjoining district, and every group with a good cause comes and says, Let us use this land for a non-veterans project. Sell this land and give us the money and we will help people somewhere.

But the veterans of L.A. County are very clear.

□ 1715

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, will the gentleman yield?

Mr. SHERMAN. I yield to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, first of all, I want to commend you for working with the community to establish a homeless shelter. Having been a county commissioner, I know how heated those public hearings can be when people think that there is going to be a homeless shelter anywhere in the county, let alone anywhere near their particular residence or business.

Having a homeless shelter for veterans only is a very, very laudable goal, and there is a camaraderie there that I understand where you are going with that.

My question is, do you have any idea how long it would take to go out to competitive bid? And also, as you know and when you were practicing law you may have participated in this, the unsuccessful bidders very often can drag it on ad nauseam because they did not get the bid. Do you have any estimate of how long this process would take, because I think our goals are mutual of having a facility there for veterans?

Mr. SHERMAN. I am convinced the goal could be done in months. The bill does not provide for a super technical process. It simply says invite other groups under this bill to provide competitive bids, and it provides an absolute limit of 1 year. So this is a short-term process.

We already have other groups thinking about making proposals. They are reluctant to make proposals until they are asked for it.

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

Mr. SHERMAN. So what this bill does is it opens the process to competitive proposals. It allows other groups like U.S. Vets and the Salvation Army to submit proposals. It urges the VA to try to create what we always wanted to create—veterans-only, staffing ratios, alcohol-free, and it gives them 1 year to do this. I hope they will act much, much more quickly, and I will push those other groups to submit their proposals very quickly.

Speaking of quickly, I should end this speech quickly.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I thank the gentlewoman, and like her, I commend the gentleman from California for his tireless work on an issue that rarely gets community support, and I am convinced, as he said I visited the area, that we will have an up-and-running homeless program for veterans with substance abuse in a very short time. It is a place where the VA is using its facilities, and it is a great opportunity for anybody who wants to help this issue.

So I thank the gentleman and I thank the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1642, the "Homeless Veterans Housing at Sepulveda Ambulatory Care Center Promotion Act."

America's veterans have risked their lives for their country. They deserve the best treatment and support that we can offer them. Despite this, homelessness remains a pervasive problem among veterans, with many homeless veterans also fighting substance abuse problems. It is our responsibility, as our Nation's leaders, to work to ensure they receive the assistance they need.

This bill is an important step toward that goal. The Sepulveda Ambulatory Care Center, located in Los Angeles' San Fernando Valley, exists to provide care to veterans. It is currently the major outpatient facility for the 1.4 million veterans living in northern Los Angeles. The Center falls under the purview of the Department of Veterans Affairs, and includes education and research facilities, in addition to comprehensive ambulatory care. This facility serves a vital role for the region's veterans.

This bill would direct the Secretary of Veterans Affairs to maintain a homeless housing project at the Sepulveda Center as a sober living facility for veterans only. H.R. 1642 also requires that this housing project be provided with adequate staffing and security.

This legislation is a necessary step in ensuring that our veterans receive the support that they need. I strongly support this resolution, and I urge my colleagues to do the same.

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

The SPEAKER pro tempore (Mr. BAIRD). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1642.

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

A motion to reconsider was laid on the table.

COMMENDING THE MICHIGAN STATE UNIVERSITY SPARTANS FOR THEIR VICTORY IN THE 2007 NCAA HOCKEY CHAMPIONSHIP

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 325) commending the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 325

Whereas Michigan State University is one of the premier academic institutions in the nation;

Whereas on April 9, 2007, the Michigan State University Spartans won their first National Collegiate Athletic Association Hockey Championship in 21 years;

Whereas the members of the Michigan State University 2007 hockey team include Jeff Lerg, Chris Snavely, Ethan Graham, Brandon Gentile, Brandon Warner, Justin Abdelkader, Tim Kennedy, Bryan Lerg, Ryan Turek, Zak McClellan, Jeff Dunne, Tyler Howells, Jay Sprague, Chris Mueller, Chris Lawrence, Nick Sucharski, Matt Schepke, Jim McKenzie, Kurt Kivisto, Daniel Sturges, Daniel Vukovic, Steve Mnich, Bobby Jarosz, Tim Crowder, Justin Johnston, and Michael Ratchuk;

Whereas Head Coach Rick Comley and Assistant Coaches Tom Newton, Brian Renfrew, and Rob Woodward are to be commended for outstanding coaching throughout the 2007 season;

Whereas the Spartans won the championship game by coming from behind to score 3 goals in a stunning third-period upset;

Whereas the Spartans succeeded not only because of the skills of talented individual players but because those players worked so well together as a team;

Whereas in the championship game, the Spartans beat Boston College, a team that had won 13 straight games, featured 12 National Hockey League draft picks, and had played in the 2006 NCAA championship game as well;

Whereas Spartan head coach Rick Comley has now won 3 national hockey championships (one with the NAIA and 2 with the NCAA) with 3 different Michigan universities: Lake Superior State University, Northern Michigan University, and Michigan State University;

Whereas when the Spartans last won a national hockey championship, they were coached by Ron Mason, who continues to serve Michigan State University as the school's Athletic Director and who in fact hired Coach Comley as his replacement;

Whereas Michigan State University and the East Lansing community honored the Spartans upon their return in a manner befitting of champions; and

Whereas Michigan State University students, faculty, alumni, and all Michigan State fans are deeply committed to bringing pride to Michigan State University and to the entire state of Michigan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Michigan State University win the championship; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Michigan State University President Lou Anna Simon, hockey Head Coach Rick Comley, and Athletic Director Ron Mason for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Speaker, on April 7 in St. Louis, Missouri, the Michigan State Spartans beat the Boston College Eagles 3–1 to win the 2007 NCAA Hockey Championship, affectionately known annually as the Frozen Four.

The win gave the Michigan State hockey team their first championship in 21 years, and Spartan forward Justin Abdelkader rang it off the post and scored with 18.9 seconds to snap a 1–1 tie and bring home the championship for Michigan State.

They scored three goals in the final 10 minutes of the game, and Spartan goalie Jeff Lerg was spectacular, making 29 saves and allowing only one goal.

The Spartans won the hearts of underdogs everywhere. Their win capped an improbable four-game run by the third-seeded Michigan State team, who few considered to be championship contenders. In fact, the Spartans are only the second number three seed to make it to the championship game and the first in history to win it.

Justin Abdelkader was the 2007 Men's Frozen Four MVP, and the championship is Head Coach Rich Comley's second. He also won as head coach of Northern Michigan in 1991. He is one of only three coaches to have won titles with two different teams.

This is the second straight year that Boston College has lost in the championship game, and I did want to take a moment to highlight their achievements.

Last year, they lost in the finals to the Wisconsin Badgers, but prior to this year's championship, they had won 13 consecutive games, piling up a 29–11–2 record. They had multiple All-American candidates and two players who received All New England honors.

I want to extend my congratulations to the Spartan's head coach Rick Comley, Assistant Coaches Tom Newton, Brian Renfrew and Rob Woodward. I also want to recognize Michigan State University Athletic Director Ron Mason, President Lou Anna Simon and, most importantly, the Spartan players for their amazing season.

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. ROGERS), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

I thank the gentleman from Pennsylvania. I also want to thank Bart Stupak from Michigan for working with us on this resolution.

I am proud to represent Michigan State University in the great State of Michigan. It is truly an extraordinary school with a proud history of world-class academics and championship athletics. Known for its quality in faculty, its research, it is certainly one of the finer universities, a proud tradition in

land grant institutions in this great State who is now headed by President Lou Anna Simon, who has done a tremendous job at the university in so many areas.

But last month we got to witness Michigan State's winning tradition once again, this time on the biggest stage in college hockey.

On April 7, the MSU hockey team won the Division I NCAA National Championship. The Spartans defeated Boston College by a score of 3–1, as we all know, and the winning goal came with only 18.9 seconds left in the game. It's no fun unless you make it close. Well, our Spartans certainly got our heart rates up that particular day.

It was a hard-fought game against a top-ranked opponent, but as many of you know, the Spartans' specialty is winning. They came out on top.

The Spartans scored three goals in the third period to spur a dramatic, comeback-from-behind victory. Justin Abdelkader scored the game-winning goal and was named MVP of the NCAA Frozen Four tournament. Chris Mueller put the game out of reach with an empty-net goal with just 1.2 seconds left on the clock. Goalie Jeff Lerg made 29 saves, as the gentleman from Pennsylvania discussed earlier.

Upon their return to East Lansing, showing the school spirit, certainly the community's support, there were over 4,500 fans turned out for a parade and a rally at Munn Ice Arena on the campus of Michigan State University.

Prior to the championship game, the MSU hockey squad burned through the NCAA Frozen Four tournament. The Spartans defeated Boston University, Notre Dame, University of Maine to reach that championship game.

In the tournament, the Spartans played top-notch defense against the Nation's best teams. They were 17 for 18 on penalty kills. Jeff Lerg made 104 saves and allowed only five goals in the tournament.

Let me tell you a little bit more about this historic championship season. The Spartans won the national championship for the third time in school history, the first since 1986 when current Athletic Director Ron Mason coached the team. Michigan State's Rick Comley, in his fifth year as head coach, won his first national title with Michigan State and the second national title as head coach. The Spartans compiled a 23–13–3 record and won the national championship as a number three seed in a field of 16 tournament.

There are many reasons to be proud of this Spartan team, and there are many reasons Michigan State fans are so proud of their hockey team and their university.

Michigan State remains the all-time winningest program in the history of the Central Collegiate Hockey Association. Former Head Coach Ron Mason has 924 victories, making him the all-time winningest coach in NCAA history. Current Head Coach Rick Comley has 714 wins, ranking fifth of all time.

I am proud to be a Spartan and represent that fine Michigan State University, and on behalf of myself, the entire Michigan delegation, BART STUPAK for his special assistance, I would like to congratulate our head coach, Rick Comley; his hardworking staff and assistants; and the best hockey players on the ice, the Michigan State Spartans; and certainly their fans.

Go Green.

Mr. Speaker, I yield back my time.

Mr. ALTMIRE. I thank the gentleman from Michigan. I know there is no greater Michigan State fan in this body than him and how thrilled he was when they brought home that title. So congratulations to him.

This bill was sponsored by Congressman STUPAK from Michigan, and he apologizes for not being able to be here. We had a change in the schedule due to the budget discussion that we had that went on for an hour or so. He wanted me to point out specifically how happy he was for Head Coach Comley, whom he has known for his years at Northern Michigan where he won his first championship.

Mr. Speaker, I have no other speakers, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 325, as amended.

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

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS OF THE ROCKY MOUNTAIN SENIOR GAMES ON ITS 30TH ANNIVERSARY

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 290) honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 290

Whereas in 1978 the Colorado Senior Sports Development Council (CSSDC) began hosting athletic competitions for individuals 50 years of age and older;

Whereas the city of Greeley, Colorado, worked with CSSDC to bring this popular athletic competition and social opportunity to the Rocky Mountain region;

Whereas the Rocky Mountain Senior Games originated as a 1-day event featuring swimming, basketball, and track and field;

Whereas the Rocky Mountain Senior Games now features a variety of sports and recreational activities during the week-long competition, including archery, badminton, basketball, billiards, bowling, cycling, golf, horseshoes, dancing, pickleball, race walking, racquetball, running, shuffleboard, swimming, table tennis, tennis, track and field, triathlon, trap and skeet shooting, and weight lifting;

Whereas the Rocky Mountain Senior Games encourages athletes of all abilities to participate in the competition by creating age categories with 5-year increments;

Whereas the competition is also divided into male and female divisions, as well as mixed divisions in several doubles events;

Whereas athletes who qualify at the State level are eligible to compete at the biennial National Senior Games;

Whereas Colorado is always well represented at the National Senior Games by athletes who pay their own expenses to attend and compete, such as the 640 Colorado athletes who have already qualified for the 2007 National Senior Games in Louisville, Kentucky;

Whereas participants in the Rocky Mountain Senior Games experience the friendly fellowship, comraderie, and exhiliration of competition, as well as the enjoyment of associatied social events;

Whereas participants in the Rocky Mountain Senior Games experience highly beneficial effects on both their physical and mental health, leading to the ultimate goal of the Games of promoting ''Fitness as a Lifestyle'';

Whereas volunteers and event coordinators of all ages make the week's events possible; and

Whereas the 30th annual Rocky Mountain Senior Games will be held from June 6–10, 2007: Now, therefore, be it

Resolved, That the House of Representatives honors the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Speaker, for 30 years the Rocky Mountain Senior Games has offered athletic competition and social opportunities to men and women, age 50 and older. Athletes of all abilities are encouraged to participate in over 30 athletic and social events. Competition is divided into male and female divisions, as well as mixed competition and by age groups. The purpose of the Rocky Mountain Senior Games is to motivate women and men over the age of 50 to pursue and maintain a healthy lifestyle.

In 2006, the Rocky Mountain Senior Games hosted 1,035 participants from 17 States across the country. The Rocky Mountain Senior Games offers our Nation's seniors the opportunity to experience the thrill of competition and the joy of camaraderie, while improving their physical fitness.

It is of vital importance that we encourage all adults to establish and maintain healthy lifestyles so that they can maintain a high quality of life as they grow older.

For 30 years, the Rocky Mountain Senior Games have helped improve the health and well-being of older Americans in our Nation. Every year, more and more seniors travel to Greeley, Colorado, to participate.

Mr. Speaker, I urge my colleagues to join me in honoring the Rocky Mountain Senior Games.

□ 1730

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, my resolution, H. Res. 290, recognizes the goals and the ideals of the 30th annual Rocky Mountain Senior Games, which will be held in the next few weeks in my district in Colorado.

The Colorado Senior Development Council began hosting athletic competition for adults 50 and older in 1978; and today, the City of Greeley, and the Greeley Department of Recreation have partnered with the Colorado Senior Sports Development Council to host this popular event in the Rocky Mountain region.

The games originated in Colorado as a 1-day competition featuring four athletic events, including swimming, track and field, and basketball. Today, the Rocky Mountain games are among the oldest of its kind in the Nation and are among the most popular.

This year's games will be held from June 6–10, and there will be a wide range of events that include basketball, track and field, swimming, billiards, tennis, badminton, cycling, weight lifting, skeet and trap shooting, archery, a 5k and a 10k road race, a triathlon, and many others. The popularity of these events are made most evident by the high number of competitors.

Last year, for instance, there were more than 1,400 individuals who competed in the games, many of whom succeeded in qualifying for the bi-annual national games.

In fact, Colorado will be well represented at this year's national games, which will be held later this summer in Louisville, Kentucky. There are 640 Colorado athletes who have already qualified.

The individuals who participate experience friendly fellowship, camaraderie, and the exhilaration of competition. For a long time, fitness has been synonymous with Colorado. I think that's because of our wonderful sunny climate and our natural treasures that encourage people to get out and enjoy themselves. It's not surprising, then, that so many seniors continue exercising and seek out active competition, even as they begin to get older.

My bill recognizes these competitors and the benefits they are making towards their long-term health. I am pleased my colleagues in Congress, especially those in Colorado, are joining me today to approve this bill.

GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I ask that Members be given 5 legislative days to insert material relevant to H. Res. 325 and H. Res. 290 into the RECORD.

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

There was no objection.

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 290 honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans.

We should recognize the hardworking volunteers and the event coordinators that make this week's events possible. Without their efforts, these games would not be possible. I ask my colleagues to support this resolution.

Mr. STUPAK. Mr. Speaker, I am proud to rise in honoring the Michigan State University Men's Hockey team in winning the Frozen Four, becoming the Men's National Collegiate Hockey Champions.

On Saturday, April 7, 2007, a record crowd of 19,432 witnessed Michigan State defeat Boston College, 3–1, in the championship game of the 2007 NCAA Men's Frozen Four in Scottrade Center in St. Louis.

During the first period, neither team was able to push the puck past the opposing goalie. As the championship game progressed into the final period, most fans thought the game was headed to overtime. MSU then "exploded" with three goals in the final 10 minutes of the game, icing the championship for MSU.

This victory constituted MSU's third national championship, and the first since 1986. Each member of the MSU Hockey organization made essential contributions to the team's success.

Justin Abdelkader, who was named the team's Most Outstanding Player, snapped a 1–1 tie with 18.9 seconds to go, seconds after ringing a shot off the goalie post.

Jeff Lerg made 29 saves, and Chris Mueller added an empty-net goal with 1.2 seconds left to clinch it for the 3–1 Spartan win.

MSU Spartans' Head Coach Rick Comley has become only the third coach in college hockey history to win national titles at two Division I Universities, and has earned over 700 career wins. Coach Comley last won the NCAA Championship with Northern Michigan University in 1991.

The Spartan Hockey Team not only demonstrated untouchable strength and skill, but also perseverance and determination to make Michigan State University and all of the State of Michigan proud.

The unyielding support from thousands of fans, family and friends, dressed in green, lined the streets of East Lansing where they turned out to welcome MSU's national championship hockey team back home.

I am pleased to join with my colleague; Congressman MIKE ROGERS, who represents Michigan State University, and all the Michigan delegation in honoring MSU and its NCAA National Champion Men's hockey team.

I am also very pleased that MSU selected my friend from Northern Michigan Hockey coach, Rick Comley, to lead MSU to its latest hockey title after its legendary hockey coach, Ron Mason, became MSU's athletic director.

Again, I congratulate the MSU Spartan Hockey Team on winning the 2007 NCAA Championship and recognize all the players, coaches, managers, staff, fans, and families who were instrumental in this great achievement.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 290.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 371) in observance of National Physical Education and Sports Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 371

Whereas May 1 through 7, 2007, is observed as National Physical Education and Sports Week;

Whereas physical inactivity of both youth and adults is a major health risk factor in this country today;

Whereas the percentage of overweight young people has more than tripled since 1980;

Whereas nationally, 1 out of 4 children does not attend any school physical education classes and fewer than 1 in 4 children get 20 minutes of vigorous activity every day;

Whereas physical activity is necessary to support the normal growth in children, and is essential to the continuing health and well-being of youth and adults;

Whereas children and youth with low fitness levels tend to have low fitness levels during adulthood and healthy weight management programs suggest that approximately 300 minutes of exercise are required per week for an adult to maintain his or her weight over the course of a single year;

Whereas low-income high risk communities have the highest obesity rates due to factors including lack of access to healthful foods, a lack of safe, available venues for physical activity, and a lack of education about proper nutrition and the benefits of physical activity;

Whereas minority children are at greatest risk for obesity, especially African Americans, Hispanics, American Indians, and Asians/Pacific Islanders living in low-income communities;

Whereas physical activity reduces the risks of heart disease, high blood pressure, diabetes, chronic low back pain, and certain types of cancers and Type II diabetes can no longer be called "late in life" or "adult

onset'' diabetes because we are seeing Type II diabetes (and other chronic illnesses) in children as young as 10;

Whereas youth who are physically active show less severe symptoms of anxiety;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas children and youth who partake in physical activity and sports programs have increased motor skills, healthy lifestyles, social skills, a sense of fair play, strong teamwork skills, self-discipline, and avoid risky behaviors;

Whereas the 60 million school-aged children and youth in America have the potential to acquire the knowledge, skills, and values that can lead to a lifetime of physical activity and healthy living;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which they live, and therefore this Nation shares a collective responsibility in reversing the childhood obesity trend; and

Whereas Congress strongly supports efforts to increase the physical activity and participation of youth in sports: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes National Physical Education and Sports Week and the central role of physical activity and sports in creating a healthy lifestyle for all children and youth;

(2) calls on communities to work with schools, in concert with key stakeholders of the community, to craft and implement a local wellness plan as required by the Child Nutrition and WIC Reauthorization Act of 2004 that includes goals for physical activity, nutrition education, and other school-based activities to promote physical education and wellness as well as nutrition guidelines for foods sold in schools, implementation plans, and measures to determine effectiveness; and

(3) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer for all children and youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 371 into the RECORD.

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

There was no objection.

Mr. ALTMIRE. Mr. Speaker, this resolution designates May 1–7 as National Physical Education and Sports Week. This is the second year in which Congress has officially observed the first week of May for this purpose.

The benefits of physical activity are well documented. It reduces the risk of obesity, heart disease, high blood pressure, diabetes, back pain, and even certain types of cancer. It can increase one's self-esteem and body image and reduce anxiety. In youth, it develops motor skills, leads to healthier lifestyles, improves social awareness, and averts risky behaviors.

The Centers for Disease Control recommends 60 minutes of daily physical activity for children and teenagers, and 30 minutes of daily physical activity for adults. Moderate exercise, such as a brisk walk, when done regularly, has a significant health benefit.

As a Nation, we should be more active. One out of four children do not attend any physical education classes in school; 61 percent of children, ages 9 through 13, do not participate in any physical activity outside of school. Only 25 percent of children get a minimum of 20 minutes of vigorous physical activity per day.

Mr. Speaker, in comparison, 60 percent of adults are not regularly active, and 25 percent are not physically active at all. The lack of physical activity has many negative results. The percentage of overweight young people has more than tripled since 1980. It is 18 percent of that population today.

Children are now being diagnosed with high blood pressure, high cholesterol and type 2 diabetes, all once thought to be age related. Two-thirds of adults are overweight or obese. Obesity-related diseases cost the economy more than $100 billion annually.

I want to recognize some exemplary programs that are currently promoting and encouraging physical activity. Four thousand Boys and Girls Clubs across this country provide more than 4.6 million kids with the opportunity to be physically active. YMCA provides services to over 20 million people, including the Silver Sneakers programs for seniors.

This resolution acknowledges that physical activity and sports play a central role in creating a healthy lifestyle for children and adults. Schools should include physical education classes and other opportunities for physical opportunities as part of the school day, and this resolution says communities should be involved and support schools in the promotion of physical activities, nutrition education and healthy lifestyles.

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 371 to recognize National Physical Education and Sports Week, which took place this year from May 1 to May 7, 2007.

Ralph Waldo Emerson once wrote: ''The first wealth is health.'' Today, these words could not hold more significance. In an increasingly technologically advanced society dominated by the Internet, cell phones, BlackBerrys, and, yes, electronic video game controls, the evidence is growing and is more convincing than ever. People of all ages who are generally inactive can improve their health and well-being by becoming active at a moderate intensity on a regular basis.

Regular physical activity substantially reduces the risk of a number of preventable diseases such as coronary heart disease, the Nation's leading cause of death; and decreases the risk of stroke, colon cancer, diabetes, and high blood pressure. It also helps to control weight, contributes to healthy bones, muscles and joints, reduces falls among elderly adults and is associated with fewer hospitalizations. Moreover, physical activity does not need to be strenuous to be beneficial. People of all ages benefit from participating in regular moderate-intensity physical activity, such as 30 minutes of brisk walking five or more times a week.

These are facts we should impress upon our children to ensure they lead health-conscious lives. Yet according to the Surgeon General's ''Call to Action to Prevent and Decrease Overweight and Obesity,'' only half of adolescents participate in regular physical activity, and one-fourth report no physical activity at all.

In addition, we find that more than a third of young people in grades 9–12 do not regularly engage in physical activity. Additionally, daily participation in high school physical education classes dropped from 42 percent in 1991 to only 33 percent in 2005. Physical activity offers a broad range of benefits, including the prevention of obesity, improves self-confidence and the overall sense of well-being.

Physical education programs within school settings can set the stage for how children view physical fitness, activity levels, and future health. Physical education programs also include general health and safety information, as well as providing opportunities for students to learn how to cooperate with one another in a team setting. Equally important is the fact that physical education programs can teach students that physical activity can be fun.

With a broad range of games and activities, children are exposed to forms of exercise that incorporate teamwork, strategy, skill-building exercises, and other curricula such as math. Indeed, physical education plays an important role in the development of an individual, just as a classroom education does.

I join my colleague, Mr. ALTMIRE, in calling for the communities to work with schools, along with key community stakeholders to craft and implement a local wellness plan as required in the Child Nutrition and WIC Reauthorization Act of 2004.

I ask my colleagues to support this resolution.

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

Mr. ALTMIRE. I thank the gentleman from Tennessee for his leadership on this issue and the other legislation that we talked about today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the

rules and agree to the resolution, H. Res. 371.

The question was taken.

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

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

The yeas and nays were ordered.

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

NATIONAL CLASSIFIED SCHOOL EMPLOYEE OF THE YEAR

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) recognizing annually a National Classified School Employee of the Year and honoring the valuable contributions of Classified School Employees in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 376

Whereas classified school employees provide valuable service to America's public schools and community colleges;

Whereas classified school employees contribute to the establishment and promotion of a positive instructional environment as paraeducators and library aides;

Whereas classified school employees provide other essential educational services such as transportation, facilities maintenance and operations, food and support services, and health care;

Whereas classified school employees play a vital role in providing for the welfare and safety of America's school children and students;

Whereas classified school employees strive for excellence in all areas relative to the education community; and

Whereas in order that classified school employees are acknowledged for their outstanding contribution to quality education across America, the National Classified School Employee of the Year is recognized: Now, therefore, be it

Resolved, That The House of Representatives—

(1) supports the recognition of the National Classified School Employee of the Year and urges the United States Department of Education, all States, State education agencies, local education agencies, community colleges, and members of the public to join in this observance;

(2) congratulates the National Classified School Employee of the Year; and

(3) congratulates all classified school employees across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring student achievement, student safety and well-being.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 376, the resolution now under consideration.

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

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I would consume.

I would like to thank Chairman MILLER and the committee staff for helping move this bill so quickly and the gentleman from Tennessee for being here with me today.

We often recognize teachers for their hard work, for their dedication to our children. In fact, we need to do more of this. Teachers are very important to ensuring that our children are learning.

However, there has been far too little recognition for the school support personnel, those who help schools run smoothly, the classified school employees. Teachers can't teach without support of classified school employees. This includes instructional assistants, clerical staffs, school bus drivers, food services employees, maintenance, security and others who ensure a safe and healthy school day every day for our children.

Imagine a school day without this support: without bus drivers, how would our children get to school? Without janitors, who will ensure their classrooms, cafeteria and bathrooms are clean? Without food service personnel, who will serve their food, who will order their food? Without a school nurse, where will children go if they are not feeling well or they are needing medication? Without maintenance personnel, what would happen if something broke or if the school is too hot or too cold? Without office and clerical staff, who will ensure that the proper person picks up a child? And without security personnel, who will make sure our schools are safe? These responsibilities need to be met in order for our students to be able to do what they come to school to do: learn.

What do our teachers come to school for? To teach. These and many more tasks would not be possible without these important school employees.

□ 1745

That is why I introduced this resolution with Chairman MILLER and Representative HARE, to recognize the many contributions classified school employees make to our children's school day. Without the work of these valuable employees, schools would be unable to function.

Today, we recognize the work of the classified school employee and thank them for their hard work in helping ensure that our schools run smoothly. I urge my colleagues to join me in recognizing the efforts of our classified school employees and thanking them for all they do to make certain our children are able to learn and teachers are able to teach in a safe and healthy environment.

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 376, which will recognize annually a National Classified School Employee of the Year and the valuable contributions of classified school employees.

I would like to thank my colleague from California (Ms. WOOLSEY) for her leadership on this issue and for introducing the resolution we are considering today.

Like many schools across the country and in my district, the education of our Nation's children is a team effort. Often, when education is discussed, we think of teachers and administrators. However, classified school employees, school bus drivers, food service workers, clerical and administrative staff, para-educators, and facilities and maintenance workers protect and nurture children as well.

Classified school employees are usually the first of the school staff workers the children see when they start their day and the last ones they see when they go home. They are the caretakers of our schools and community colleges. School bus drivers carry the most precious cargo, our children. Parents want the peace of mind that comes from entrusting the person behind the wheel in their children's school bus.

Getting kids to and from schools safely and on schedule makes bus drivers, mechanics, and other transportation personnel an integral part of our schools and of our communities. Classified employees in the office, clerical and administrative staff, maintain attendance records, answer the phones, and interact with parents and school officials. School nurses help children with scrapes and cuts, assist with medications, and help keep accurate records of immunizations and students' medical history. All of these school employees are vital to the success of our schools.

Without skilled facilities and maintenance workers, our children would not have safe and comfortable places to learn. A lot of work is required to maintain a school community and keep it running smoothly. Custodians keep the schools clean. Groundskeepers keep the grounds safe for sports and other recreational activities. And facilities workers foresee and troubleshoot problems in school buildings. These classified workers provide a valuable service to our schools.

Many times the meal students receive at school is the best or only meal they get each day. Food service workers play a significant role in the educational process by providing nutritious meals for children. Research shows that good nutrition enables a student to meet their educational and physical potential.

Para-educators, librarians and other instructional assistants, support and

enhance the work of teachers in all components of the educational process. The increased use of para-professional staff in education across the United States has been well documented, as has the change in their role from largely clerical to instructional duties. These professionals play a key role in ensuring student achievement.

Together, with certified school employees, teachers, and administrators, classified school employees work hard to provide productive, safe and stable environments for our children that are conducive to learning. Classified school employees strive for excellence in all areas relative to the educational community.

For that, I ask that we annually recognize a National Classified School Employee of the Year and honor the invaluable contributions of all classified school employees for their tireless commitment to the academic success, safety and well-being of America's children, and I urge my colleagues to support House Resolution 376.

Ms. WOOLSEY. Mr. Speaker, our schoolchildren couldn't attend school and teachers couldn't teach without the efforts of these valuable school personnel.

Personnel like Al Hart, District Information Services Coordinator for Reed School District in southern Marin County. Mr. Hart was recognized this year as the Marin County classified school employee of the year. His hard work and that of other school employees in the rest of the 6th district of California, and the rest of the country should be recognized.

Classified school employees work with teachers and administrators to ensure that our schools are safe and healthy places. Their contributions are invaluable and can be recognized today and every day.

That's why I urge my colleagues to join me in supporting H. Res. 376 to thank classified school employees for their work and to recognize them for their efforts.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 376.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 264) supporting the goals and ideals of ''National Correctional Officers and Employees Week'' and honoring the service of correctional officers and employees.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 264

Whereas the operation of correctional facilities represents a crucial component of the criminal justice system of the United States;

Whereas correctional personnel play a vital role in protecting the right of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care;

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives; and

Whereas the first week of May is recognized as National Correctional Officers and Employees Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Correctional Officers and Employees Week''; and

(2) honors all correctional officers and employees for their service to their communities and States, and to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker I yield myself such time as I may consume.

H. Res. 264 is a bipartisan resolution designed to honor correctional officers and employees by acknowledging and supporting the goals and ideals of National Correctional Officers and Employees Week. This was introduced by the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. ELLSWORTH).

The resolution directly honors correctional workers at all levels, local, State and Federal, including psychologists, chaplains, teachers and even kitchen staff.

Correctional officers and employees play a vital role in protecting and promoting public safety. They work in our county jails, our State prisons and our Federal penitentiaries. They have a tough job in a tough environment and at a time that Congress and State legislatures are actually making the job more difficult because we have been eliminating programs for inmates, such as parole, good conduct credits and Pell Grants for college courses, programs that give incentives to prisoners to behave. Now, with the additional reduction in prison inmate jobs on the Federal level, even more pressure will be put on correctional officers to maintain a safe and productive environment for prisoners.

So it is fitting, Mr. Speaker, that we pause at this time to recognize and commend our correctional officers and employees for the very important job that they do for us every day under these very difficult circumstances, and to them we say, ''Thank you.''

Finally, Mr. Speaker, in closing, I would like to indicate that I have received a note from the gentleman from Pennsylvania (Mr. HOLDEN), the lead sponsor of the resolution and chair of the Congressional Correctional Officers Caucus. First, he asked that I share his regrets that he was not able to be with us today to speak on this resolution due to a prior commitment in his home district. He also asked that I convey his strong support for the men and women who work in our prisons and correctional facilities on a daily basis. And he also asked me to personally welcome on his behalf the correctional community to Washington, D.C., for their annual day on Capitol Hill, which is scheduled to occur this coming Wednesday.

Mr. Speaker, I urge my colleagues to support the resolution.

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

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

Mr. Speaker, I rise in support of House Resolution 264, which recognizes National Correctional Officers and Employees Week, and honors the service of correctional officers and employees.

Few jobs are more dangerous and difficult than serving as a correctional officer. There are over 200,000 correctional officers in the United States who guard us from nearly 2 million criminals and maintain the safety of the Nation's correctional facilities. It is a job with high risk and often little recognition or reward. This resolution recognizes the important role that correctional officers play in maintaining public safety.

Correctional officers carry a heavy burden each day. They are surrounded by dangerous criminals and work in a stressful environment. We hear about but don't often stop to recognize the hundreds of correctional officers who have made the ultimate sacrifice. Last year in Maryland, two correctional officers were killed. On January 27, 2006, Correctional Officer Jeffrey Alan Wroten II was brutally shot and killed; and on July 25, 2006, Officer David Warren McGuinn was killed. What happened to these two Maryland officers unfortunately has happened to hundreds of other correctional officers in past years. Correctional Officer Jeffrey Alan Wroten left behind a wife and five children, the oldest, age 15, and the youngest, 5 years of age. This makes his loss and the loss of others like him even more heartbreaking.

So, it is appropriate that we take a moment this week to honor the contribution of all correctional officers, pray for their continued safety and dedicate ourselves to helping them carry out their mission.

We thank each and every correctional officer, their families and loved ones, and honor them for their valuable role in protecting the public.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to an original cosponsor of this resolution, the former sheriff in Indiana, the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Mr. Speaker, I rise today to honor the correctional officers and employees from around the country, and to voice my strong support for this bill.

I spent almost 25 years in law enforcement, much of that working in a jail myself. And from my experience, correction officers are some of the hardest-working law enforcement professionals that are working today. House Resolution 264 recognizes them for their important contributions to the safety of our communities.

This week is National Correctional Officers and Employees Week. The bill we are considering today supports the goals and ideas of this important week, and honors all corrections officers and employees for their service to their communities, their States, and also to this Nation. It also recognizes the critical role that the correctional facilities play in the U.S. criminal justice system.

I am proud to be a cosponsor to this legislation with Congressman HOLDEN and Congressman LOBIONDO. I echo Mr. SCOTT's words. Mr. HOLDEN felt strongly enough about this legislation to call me and ask me to make a few comments on his support for this bill. He was unable to attend this meeting as he had prior commitments in his district, but he asked me to express his strong support for the men and women who work in the correctional system on all the levels, who work tirelessly to protect their communities from those incarcerated and breaking the law.

The men and women who work in our prisons and correctional facilities face danger in their everyday lives. I have seen this firsthand. They are outnumbered. They work long hours. They often go without their lunches or eat their lunches while performing their duties. We owe them a lot. And although you are not going to see a lot of documentaries about the correctional officer in the TV shows, they work just as hard as any patrolman on the street. And they are outnumbered and surrounded by their adversaries every day. Their role is critical and yet goes unrecognized often. We can do our part to recognize them this week. Hopefully, this bill will bring some much deserved appreciation for their work, and I urge my colleagues to support it.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to a strong supporter of programs to give prisoners incentives to better themselves and a strong supporter of correctional officers, the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H. Res. 264, the Congressional Lawmaking Authority Protection Act of 2007 and the National Correctional Officers and Employees Week.

Correctional officers are the largest part of the workforce in jails and prisons, and they enforce the regulations governing the operation of correctional institutions as both supervisors and counselors.

While they have no law enforcement responsibilities outside the institution where they work, each day they put themselves in harm's way, maintaining security and inmate accountability to prevent disturbances, assaults, and escapes.

By definition, working in a correctional institution can be stressful and hazardous. Between 1990 and 1995, the number of attacks on correctional officers in State and Federal prisons jumped by nearly one-third, from 10,731 to 14,165, at a time when the number of correctional officers increased by only 14 percent. Except for police officers, the number of workplace nonfatal violent incidents is higher per 1,000 employees for correctional officers than any other profession. From 1992 to 1996, there were nearly 218 incidents for every 1,000 correctional officers, for a total of 58,300.

□ 1800

Correctional officers' roles in our society are and continue to be critical. We must continue to recognize the sacrifices they and their families make on a daily basis to ensure the safety and well-being of the prison population.

Mr. Speaker, I spend a fair amount of time in and around correctional institutions. As a matter of fact, I serve as a member of the local school council at the Consuelo York Alternative High School in Chicago, which is located in the Cook County Jail. Therefore, whenever I'm there, when we have our regular meetings, I attend.

I also go to jails sometimes to put up bail for individuals that I know, Representative SCOTT, who have been arrested. Quite frequently, I speak at jails, correctional facilities and prisons.

And so I simply wanted to take this time to thank all of those individuals who not only work in these stressful situations, but the many men and women with whom I come into contact as they facilitate my entree, and as they assist whatever it is that I've been trying to do and that I try to do while I'm there.

So I simply say, thank you to all of those corrections officers with whom I come into contact on an annual basis, and urge passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 264, which puts this House on record in support of the goals and ideals of "National Correctional Officers and Employees Week" and which honors the service of correctional officers and employees.

Correctional facilities form a crucial component of our criminal justce system, and the proper functioning of these facilities is depndent upon the exemplary service performed by correctional peronnel. These men and women work daily in a complex, ever-changing, and often dangerous environment, protecting the rights of the public and safeguarding us, as a Nation, from criminal activity.

Not only are these correctional officers and employees responsible for the custody of inmates, but they are also charged with the care of these individuals, and with maintaining their dignity as human beings. This is a profession that exerts immense physical and emotional demands on a daily basis, and requires constant courage and vigilance.

Mr. Speaker, correctional work has become an increasingly sophisticated profession, and we as a nation should take pride in the caliber of those who work in this field. These men and women face overwhelming obstacles, and operate daily in a high-risk environment, yet they receive little recognition. This week, which we observe as National Correctional Officers and Employees Week, is our opportunity to honor all correctional officers and employees for their service to their communities and our Nation.

I strongly support this resolution, and I urge my colleagues to do the same.

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of H. Res. 264, to express support for the goals and ideals of National Correctional Officers and Employees Week—May 6th through 12th. This resolution recognizes the important and under-appreciated dedicated service of the correctional officers and employees who staff prisons across this Nation.

Just this morning, I was at the Fairton Federal Correctional Institution in Fairton, New Jersey, with Warden Paul Schultz, to honor the hard work and highest standards of the men and women serving as correctional officers and employees. I had the great pleasure to present awards to these brave individuals.

As a co-chair of the Correctional Officers Caucus, I was pleased to introduce this resolution with Representative HOLDEN, and I am very proud of the correctional officers that it honors. I urge all Members to support this resolution.

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

Mr. SCOTT of Virginia. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 264.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 o'clock and 30 minutes p.m.

COMMUNICATION FROM CHIEF OF STAFF OF THE HONORABLE MARK STEVEN KIRK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Eric Elk, Chief of Staff, Office of the Honorable MARK STEVEN KIRK, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Circuit Court for Cook County, Illinois, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ERIC ELK,
Chief of Staff.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1294, THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2006

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–130) on the resolution (H. Res. 377) providing for consideration of the bill (H.R. 1294) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 407, by the yeas and nays;

H.R. 1025, by the yeas and nays;

H. Res. 371, by the yeas and nays.

The vote on agreeing to House Resolution 370 and on the motion to suspend with regard to H.R. 1595 will be postponed until tomorrow.

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

COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 407, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 407, as amended.

The vote was taken by electronic device, and there were—yeas 294, nays 80, not voting 58, as follows:

[Roll No. 302]

YEAS—294

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Burgess
Butterfield
Calvert
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Forbes
Fossella
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
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 (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—80

Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Bonner
Brown-Waite, Ginny
Buchanan
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Davis (KY)
Deal (GA)
Drake
Duncan
Everett
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Mack
McCarthy (CA)
McHenry
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pence
Poe
Price (GA)
Putnam
Radanovich
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Walberg
Wamp
Westmoreland
Wicker
Young (AK)
Young (FL)

NOT VOTING—58

Akin
Boehner
Boyda (KS)
Brady (PA)
Brown, Corrine
Buyer
Camp (MI)
Capuano
Carson
Costello
Crowley
Cubin
Culberson
Cummings
Davis, Jo Ann
DeGette
Dicks
Doolittle
Doyle
Dreier
Engel
Fattah
Fortenberry
Frank (MA)
Gilchrest
Goode
Graves
Hinchey
Holden
Hulshof
Hunter
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Kilpatrick
Lantos
Maloney (NY)
Marchant
McMorris Rodgers
Moran (KS)
Murtha
Neal (MA)
Peterson (PA)
Pitts
Price (NC)
Pryce (OH)
Reichert
Schiff
Shimkus
Shuler
Slaughter
Souder
Tiahrt
Towns
Waters
Weiner

□ 1856

Messrs. SULLIVAN, BURTON of Indiana, MACK, LINDER, LEWIS of California and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LOWER REPUBLICAN RIVER BASIN STUDY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1025, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1025.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 1, not voting 61, as follows:

[Roll No. 303]

YEAS—370

Abercrombie
Ackerman
Aderholt
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
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
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
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
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 (VA)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—61

Akin
Boehner
Boyda (KS)
Brady (PA)
Brown, Corrine
Buyer
Camp (MI)
Capuano
Carson
Costello
Crowley
Cubin
Culberson
Cummings
Davis, Jo Ann
DeGette
Dicks
Doolittle
Doyle
Dreier
Edwards
Engel
Fattah
Fortenberry
Frank (MA)
Gilchrest
Goode
Graves
Hinchey
Holden
Hulshof
Hunter
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Kilpatrick
Lantos
Maloney (NY)
Marchant
Marshall
McMorris Rodgers
Moran (KS)
Murphy (CT)
Murtha
Neal (MA)
Peterson (PA)
Pitts
Price (NC)
Pryce (OH)
Reichert
Schiff
Shimkus
Shuler
Slaughter
Souder
Tiahrt
Towns
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1905

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MURPHY of Connecticut. Mr. Speaker, on rollcall No. 303, had I been present, I would have voted ''yea.''

NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 371, 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 Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 371.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 373, nays 0, not voting 59, as follows:

[Roll No. 304]

YEAS—373

Abercrombie
Ackerman
Aderholt
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
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
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
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
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 (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Akin
Boehner
Boyda (KS)
Brady (PA)
Brown, Corrine
Buyer
Camp (MI)
Capuano
Carson
Costello
Crowley
Cubin
Cummings
Davis, Jo Ann
DeGette
Dicks
Doolittle
Doyle
Dreier
Edwards
Engel
Fattah
Fortenberry
Frank (MA)
Gilchrest
Goode
Graves
Hinchey
Holden
Hulshof
Hunter
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Kilpatrick
Lantos
Maloney (NY)
Marchant
McCotter
McMorris Rodgers
Moran (KS)
Murtha
Neal (MA)
Peterson (PA)
Pitts
Price (NC)
Pryce (OH)
Reichert
Schiff
Shimkus
Shuler
Slaughter
Souder
Tiahrt
Towns
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1911

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to be present for three votes. Had I been present, I would have voted "yea" on H.R. 407, the Columbia-Pacific National Heritage Area Study Act; "yea" on H.R. 1025, the Lower Republican River Basin Study Act; and "yea" on H. Res 371, In observance of National Physical Education and Sports Week.

HUMPTY DUMPTY

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

Mr. MCDERMOTT. Mr. Speaker, as we continue our debate on funding for Iraq escalation, I want to share a new version of a well-known poem entitled Humpty Dumpty:

Bush, Cheney and others had a great call—
Remake Iraq, it will be such a ball.
Now all Bush's troops and all daddy's men
can't put Iraq back together again.
Our soldiers keep dying, day after day.
So why put up with more endless delay?
Let's just acknowledge what everyone knows:
Bush didn't and doesn't have any clothes.
He broke it, can't fix it, doesn't know how;
Mission impossible: out of Iraq now.

□ 1915

CONGRESS NEEDS TO STOP THE PRICE GOUGING NOW

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

Mr. DEFAZIO. Mr. Speaker, I paid $3.43 a gallon for gas in Springfield, Oregon. My colleague GREG WALDEN paid $3.99 on the east side of the Cascades. Something a little fishy here because, a year ago today, oil prices were $66.85 a barrel. Today, they are $63 a barrel. The price of crude oil is down, but the price of gasoline at the pump is up, way up.

And what is the cause? They say, oh, well, we forgot, we had to clean and maintain the refineries, and gee, we've had to shut 'em down. Does this remind anybody else of Enron? Enron/Exxon, they're interchangeable.

Enron would shut down plants to drive up the cost of electricity and make wild profits. Exxon and the other big oil companies are doing the same thing. They're using refinery repairs and maintenance as an excuse to price-gouge the American people.

Congress needs to stop the price gouging now.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on H.R. 1642.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATE DEPARTMENT'S HUMAN RIGHTS REPORT

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

Mr. PALLONE. Mr. Speaker, each year, the Department of State issues a report outlining the human rights practices of various Nations, and I object this evening to the inaccuracies in the Armenia section of the 2006 Country Reports on Human Rights Practices.

Originally, the State Department issued erroneous language about Armenia being an occupier of Azerbaijani territory and Nagorno-Karabakh, the report was substantively revised with more balanced, although still not fully accurate, wording and then revised again to restore the original inaccurate language.

I am deeply disturbed by the State Department's mischaracterization of the Nagorno-Karabakh conflict. It is unprecedented and counterproductive to our government's goal of actively promoting constructive engagement in the peace negotiations of the region. It also sets a troubling example by allowing a foreign State, in this case Azerbaijan, to shape the assessments of our human rights report.

To assert that Nagorno-Karabakh is Azerbaijani territory or that Armenia occupies Nagorno-Karabakh and other territories is simply wrong. This version ignores the reality that the current conflict is about the self-determination of the people of Nagorno-Karabakh.

Like many other ethnic autonomous regions with the status of Oblast under

the Soviet Constitution, the people of Nagorno-Karabakh declared their independence. They then conducted a referendum as set forth in the same Soviet Constitution, and they are now an independent republic and should be recognized as a Nation, just like Azerbaijan, Armenia and any other former Soviet Republic. The situation has absolutely nothing to do with Armenia. The only role Armenia plays in this conflict is that country's part in peace negotiations.

Mr. Speaker, I am concerned that Armenia is being characterized as an abuser of human rights in the region when it is Azerbaijan who continues to maintain a blockade of both Nagorno-Karabakh and Armenia, and regularly threatens a new wave of violence against Nagorno-Karabakh.

Such misrepresentations will undermine our Nation's credibility as an impartial mediator and jeopardize prospects for successful peace negotiations. It could also have a negative impact on U.S.-Armenia relations.

Our common aim as a country should be to focus on workable diplomacy that brings parties together in the spirit of conflict resolution, not to cause additional tension by introducing new and controversial elements into an already complex negotiating process.

Mr. Speaker, the United States has a long history of supporting Nagorno-Karabakh's democracy and its right to live in freedom and peace. The State Department has never made assertions in previous reports about Armenia being an occupier of Azerbaijani territory and Nagorno-Karabakh.

Last week, I sent a letter to Secretary Rice with my concerns over the State Department report's language, and I urged her to quickly reverse the State Department's mischaracterization.

ILLEGAL IMMIGRATION IS A WORLD CRISIS

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

Mr. POE. Mr. Speaker, France has a new President, Nicolas Sarkozy. While the world waits to see if he will give vigor and energy and leadership to his complex and sometimes difficult French people, his position on illegal immigration is quite clear.

Europe has its influx of illegals, not unlike the United States. Northern Africans are fleeing their native lands for Europe. They go mostly to Spain, where French President-elect Sarkozy accuses Spain of promoting amnesty in that Nation. Of course, once in Spain, it seems these illegals can roam Europe with ease.

Mr. Sarkozy claims Spain wants to give amnesty to now 600,000 illegals in its Nation. Mr. Sarkozy wants to ban European Nations from offering amnesty. He wants to bolster the EU border agency, the group that parols the African coast, with more police forces and use of the military to prevent the illegal landings in Europe.

It is interesting to note, Mr. Speaker, that Morocco, one of the Nations where people illegally flee to Europe from, wants the illegal flight to stop from its Nation. Almost 40 percent of the Africans that go to Europe by sea die in the process. This is a world crisis. Morocco wants to develop its native lands with European aid to keep people home, change the despair to hope by economic development, quit sending its problem to Europe but solve its problem. African Nations see the answer to solving their economic problems is not sending their populations to the north to Europe.

Mr. Sarkozy wants the European Union to have an EU-wide policy on illegal immigration and deal with this issue head-on instead of ignore the obvious. We shall see if this cooperation with the EU and France and the African countries works to stop the illegal entry, and we wish Mr. Sarkozy well in his presidency of France.

Meanwhile, back at home, here in the United States, our borders seem to be as open as ever because our government does not have the moral will to enforce the rule of law.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

A HEALTH CHECKUP FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a very disturbing report emerged from Iraq last week. According to press reports, medical students in Iraq will be denied diplomas even though they have completed all of the coursework and passed all of the required testing. This means that they would only be allowed to practice in Iraq, and no other country will accept their medical training or let them practice in the new country, even though they have met all of the requirements.

This harkens back to the Iraq we knew under Saddam Hussein's rule. Saddam refused to grant diplomas to medical students in order to keep them in the country. Who would have thought that the new Iraq government would resort to Saddam Hussein's old tricks? This is an alarming and troubling trend, and it should be reversed immediately.

While dozens of international medical relief organizations have been forced to leave Iraq because of serious security concerns, Iraqis have fewer and fewer medical professionals available to them.

A well-known organization, Doctors Without Borders, related the story of one doctor, Dr. Bassam. He is an Iraqi physician specializing in orthopedic surgery living with his family in Baghdad.

His story says: Now, security issues have top priority for the few existing financial resources, and medical needs are forced to take a back seat. This morning, dozens of people were killed in Fallujah. Yesterday, it was Baghdad. And that's not counting the wounded, who add to the long list of emergency cases packing the hospitals. Every day brings a new batch of dead and wounded. In this context, patients simply cannot receive proper treatment from an increasingly overwhelmed health care system. Some are forced to sell their car, or even their house, to get certain kinds of care in the few hospitals able to provide it.

That is the end of his story.

Mr. Speaker, instead of locking people in against their will, the Iraqi government ought to be working with the international community to make Iraq a safe and prosperous place where people want to raise their families, where they want to stay, where they want to put down roots and contribute to the local communities.

If this is going to happen, the United States must dedicate our energies to bringing our troops home and to working with the Iraqi people to stabilize their infrastructure and social programs, programs that will provide health care, education and jobs. These are the most important needs for the Iraqis.

It is time, Mr. Speaker, to bring our troops home. It is time to provide a future of hope for the Iraqi people.

RENAMING THE DEPARTMENT OF THE NAVY

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

Mr. JONES of North Carolina. Mr. Speaker, I would like to thank Armed Services Chairman IKE SKELTON for including language in this year's Defense authorization bill to change the name of the Department of the Navy to be the Department of the Navy and Marine Corps.

I also thank Ranking Member DUNCAN Hunter who in the past has also included this language in the Defense authorization bill. This will be the sixth year that the House will send legislation to the Senate that supports this change. I hope that this year the Senate will agree that this change is long overdue.

Since 1947, Congress has twice affirmed that the Marine Corps is a separate military service within the Department of the Navy. In 1947, the National Security Act stated that we have four separate military services:

the Army, the Air Force, the Navy and the Marine Corps.

In 1986, the Goldwater-Nichols Act stated that each service's commanding officer serves equally as a member of the Joint Chiefs of Staff. That is, the Marine Corps and the Navy are coequal partners. The Marines do not serve beneath the Navy; they are an equal team.

Mr. Speaker, that is why I have again introduced legislation, H.R. 346, to recognize their coequal status by changing the name of the Department of the Navy to the Department of the Navy and Marine Corps.

Not only has this change received the full House Armed Services Committee support, but also from former Navy secretaries and Marine Corps commandants.

In a statement of support for this legislation, the Honorable Wade Sanders, Deputy Assistant Secretary of the Navy for Reserve Affairs, 1993–1998, stated, and I quote, ''As a combat veteran and former Naval officer, I understand the importance of the team dynamic, and the importance of recognizing the contribution of team components. The Navy and Marine Corps team is just that: a dynamic partnership, and is important to symbolically recognize the balance of that partnership.''

In addition, General Charles Krulak, 31st Commandant of the Marine Corps stated, and I quote, ''This bill is a perfectly logical evolution in a series of legislative initiatives designed, in part, to clarify and codify the role of the United States Marine Corps. . . .I enthusiastically support both the spirit and intent.''

General Carl Mundy, the 30th commandant of the Marine Corps stated, and I quote, ''I believe the changes you propose will do much to clarify the relationship, responsibilities and functions of the appointed civilian authority over the United States Naval services . . . I believe that any Secretary—present, past or future—will be very proud to bear the title 'Marine,' as well as 'Navy.' ''

The Honorable John Dalton, the 70th Secretary of the Navy stated, and I quote ''One of the things for which I am most proud that I accomplished during my tenure was moving the headquarters of the Marine Corps into the Pentagon. It was a controversial decision, but I am convinced it was the right thing to do. . . . Your legislation would be another vital step to give that distinguished service the recognition it so greatly deserves.''

Before I close, I want to point out to the House that I have beside me the Order of the Silver Star for Marines killed in Iraq. Marine Michael Bitz' family received a Silver Star in his memory. Yet when you look at this poster you will see an exact copy of the article for the Secretary of the Navy, Washington D.C., and the Navy flag.

All this legislation will do, all this legislation will do, is to make the Navy and the Marine Corps an equal partner. You can see if these orders were issued and this bill had become law, it would say the Secretary of the Navy and the Marine Corps with the Navy flag and the Marine flag for this brave marine who gave his life for this country.

I hope this year that the House under the leadership of IKE SKELTON will demand that the Senate agree to the House position and change the name to be the Department of Navy and Marine Corps.

□ 1930

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Mr. PERLMUTTER). Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to the millions of Americans of Asian and Pacific Islander heritage. I would like to thank my good friend, Congressman MIKE HONDA, for leading the special orders tonight on Asian Pacific American Heritage Month and providing us with this opportunity to speak to you tonight.

I represent a heavily, heavily populated Asia Pacific community in southern California, I think the second most populated in the country. The first group that makes up a large proportion is Taiwanese and Chinese. The second group is Filipino. I am very proud to have represented them for so many years.

But I am here tonight to pay tribute to the many of them who provide us with public service in government, science, law and business, athletics and in the arts. These communities that I represent are the cities of Monterey Park, Rosemead, West Covina and the San Gabriel Valley. Well over 120,000 individuals represent that district.

They are Chinese, Japanese, Filipino, Vietnamese, Korean and of Cambodian decent. As you know, they work hard, like many immigrants that come to this country. Nearly 30 percent of the minority-owned businesses are owned by Asian Pacific Islanders and African-American women. In recent years, a number of Asian and Pacific Islander women-owned businesses has increased by 69 percent in the district.

According to the Chamber of Commerce, Chinese Americans own at least two-thirds of Monterey Park's more than 5,000 businesses. I have long been a supporter of a program called PACE, Pacific Asian Consortium in Employment, which was founded back in 1976 to address the employment and job training needs of Asian Pacific Islanders. Believe it or not, there are many Asian Pacific Islanders who really do need the support of the Federal Government and our various forms of government to help them succeed in our country.

Today it provides workforce development, housing services, business assistance and early childhood education in Los Angeles county. I would especially like to recognize a good friend of mine, Kerry Doi, with whom I have worked for a number of years, whom I am extremely proud of. Earlier this year, his program, known as PACE, and the Association for Enterprise Opportunity Women and Company, chose 10 prominent small business owners to give $1,000 checks to.

You may think that's not a lot of money, but for first-time business owners of Asian Pacific descent, it meant a lot. I am proud of the work they are doing to help all small business owners, including those of API heritage, to succeed.

I have also worked closely with the East San Gabriel Valley Japanese Community Center and the Monterey Park Langley Senior Center, predominantly of Asian descent. I am proud to have these organizations in my district because they are wonderful places where individuals from this community can gather and have social time, artistic time, recreational time and share their culture with each other.

At the senior center, I meet often with them. They take language courses, computer classes and different exercise courses that help them to keep busy in our community. Many of the seniors and their families and others have been touched by the immigration process recently.

In fact, I would say that the second largest case load in my district happened to be individuals of API descent. They, just as much as anyone else, want to become naturalized citizens, and they are stepping up to the plate. I was happy to host a citizenship forum that we held in the City of Irwindale recently, and I would say about 200 or more families of API descent came forward to become naturalized citizens. I am proud that is happening in our community and across the country.

I am here to support, again, the efforts of the API caucus, which MIKE HONDA leads, and to work with my colleagues there on the tri-caucus to help put forward disparities and treatment in health care issues regarding API, the Hispanic community and the African-American community. We are working together to bridge our gaps so that we can provide better services to all Americans in all residents of our country. I am happy and pleased to be able to put this forward tonight in support of the API caucus.

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

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

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

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

THE ASIAN PACIFIC COMMUNITY AND THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Let me take this opportunity, before I address the question our soldiers in Iraq, to thank Mr. HONDA for convening this special order on the Asian Pacific community of this Nation and to thank him for his leadership of the Asian Pacific Caucus, of which I am a member and to acknowledge the Asian Pacific community in Houston, Texas, a thriving community so diverse and so respected.

I am reminded of the unity that was exhibited as Katrina survivors who were Asian Pacific Islanders came into Houston. Both Mr. HONDA and myself worked on the issue of language and representation and resources, and the Asian Pacific community in Houston was so united and so supportive so that these new visitors, these strangers in a different land, would feel welcome.

Let me also acknowledge that I have the privilege of representing not only a very strong Vietnamese business community, but also the original Chinatown in Houston. So my hat goes off and salutes the outstanding leaders in that community, scientists, educators, businesspersons, public servants, and, as well, I thank them for the wonderful service that they give and the opportunity to work together with them. This is an outstanding tribute to be able to honor the Asian Pacific Islander community in the month of May.

Let me also acknowledge that the Vietnamese community will have its first cultural event gala where it honors heroes and public servants from around the Nation.

I would hope that as we look to the greatness of America, we will find it in our hearts to be able to address the question of the tragedy in Iraq. It is a tragedy that continues to grow. Every time you turn the corner, turn the news on or read a newspaper article, it is disintegrating and deteriorating.

Today in the newspaper it says an Army general predicts a rise in casualties. So at the back of the surge the President says will have solved the conflict in Iraq, we will see, tragically in the words of Major General Rick Lynch, who is working with the 3rd Infantry Division, ''Casualties will climb as American troops dig into enemy territory as part of the stepped-up military operation ordered by President Bush in January.''

His sentence does not say how we will resolve the conflict. It doesn't say that it results in any positive end. It doesn't say that we will be victorious in that effort, it says that the lives of Americans will be lost. We, as Americans, believe that when we go to war, the Nation goes to war. Therefore, it is important to have a mission to have a conclusion to that mission.

Compounded to that issue, we show that attacks killed eight U.S. troops. They kill them because they are being killed by IEDs. They kill them because there is no mission, there is no policy, there is no political policy. There is no end, there is no beginning.

So I ask the President to sit down with this Congress and be able to resolve this by, one, leaving in the language that says, we will redeploy the troops by July, 2007, or, at the latest, October, 2007, have a rational policy for exiting from the conflict that is causing the mounting lives that are lost.

In addition, lives are being lost in Afghanistan of a civilian population, lives of the civilian Iraqis are being lost, and there is no response from this administration.

While there they are wining and dining, I would simply ask in addition to that responsibility, let us find a conclusion to the war in Iraq by reconciliation and compromise between the executive and, of course, the Congress. We cannot tolerate any more headlines like this, mothers and fathers, husbands and wives are asking why, when there is no end. The soldiers are our heroes. They have done their job. We have said this over and over.

I commend to this body H.R. 930, my legislation, Military Success in Iraq and Diplomatic Surge for National and Political Reconciliation in Iraq Act of 2007. Declare a military victory, our soldiers have been victorious. Let them come home to yellow ribbons and celebrations and their families, have them prepared, stronger, increased, a stronger military, with the right kind of equipment.

Let the generals logistically plan how they will redeploy, possibly to the Kuwait borders and to the other borders, but let them come home. We are not trying to dictate to the generals how to redeploy, what the logistics would be, but we are only saying that the policy is a failed policy, and our soldiers must come home. No more headlines, Army general predicts rise in U.S. casualties, no more headlines eight troops dead and continuing to die with no solution and no end.

I ask my colleagues to review H.R. 930 and ask the President and this Congress to find a way that we can work together.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this month is Asian Pacific American Heritage Month. This is a national celebration which continues to highlight and bring awareness to the many contributions of the Asian Pacific Americans who have made this country their home.

I want to thank Mr. HONDA, who will be leading a special order in just a few minutes, with respect to all the accomplishments of the Asian Pacific Americans in the United States.

I am fortunate to represent one of the largest Asian Pacific populations in Orange County, California. It's full of Japanese, Korean, Hmong, Cambodians, Laotians, Chinese, Hawaiian Pacific Islanders and, of course, the largest Vietnamese population outside the world resides in Orange County, California. Representing that community I see firsthand the rich culture and the contributions and all of these communities bring to my hometown of Anaheim and Orange County.

More than 30 years ago, with when the Vietnamese arrived, my district was full of orange groves. They took these orange groves, some of the dilapidated commercial centers, and they made these block-long business districts that generate today, multibillion dollars for our local economy.

While being an integrated part of the American social fabric is important, these communities also bring with them a rich awareness of what is going on around the world, in particular, what happens in their homeland.

I enjoy an open dialogue, for example, with the Vietnamese American community, especially about the continuing situation in Vietnam, where human rights and religious freedoms, remain a distant dream for the peoples of that country.

Now is the time to remember and to celebrate the successes and the contributions that Asian Americans and Pacific Islanders bring to the diversity of America.

Although it is important to recognize the achievements made by this community, Asian Pacific American Heritage Month must also provide a forum to focus on the problems that face these communities, such as affordable housing, racial profiling, and language barriers.

In particular, the health care issues that are so important, so many health care issues that happened in this particular community like hepatitis C, diabetes, and some of the other larger issues which affect us all.

One of the problems facing the APAC community is the perception that all the members of their communities are thriving. If you are Asian or Pacific Islander, you must be going to the Berkeleys of the world, you must be doctors, you must be thriving, you must be engineers, you must be great business people. But the reality is that there are large populations, API populations who still have low access to real quality education and they face tremendous language barriers. The API community has come a long way, sacrificing for our country and contributing to our growth and prosperity, and I

look forward to continuing that relationship with the Asian Pacific Islander community to celebrate its contributions and to overcome the ongoing challenges that these communities face.

□ 1945

ASIAN PACIFIC AMERICAN HERITAGE MONTH

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

Mr. ELLISON. Mr. Speaker, this month marks a special opportunity to pay tribute to the contributions of Asian Americans and Pacific Islander Americans. In our community, we have a great opportunity to recognize this dynamic force of creativity in our Nation, and I welcome the opportunity to do so and I thank my colleague MIKE HONDA for hosting this special order tonight.

An estimated 180,000 Asian Pacific Islanders representing a diverse community of backgrounds and cultures and experiences make their homes in Minnesota, with an estimated 32,000 in the Fifth Congressional District alone. Minnesota serves as home to one of the Nation's largest Hmong population, estimated at nearly 80,000. In Minnesota, we boast 2 members of our State legislators who have Hmong American heritage, Senator Mee Moua and Representative Cy Thao. The Hmong American story in Minnesota is quintessentially Minnesotan and we are proud of our Hmong community.

The Hmong story is quintessentially an immigrant story as well, a story coming from their land to a new one to make success here in America, overcoming the many difficulties, struggling, persevering, while retaining love for their land of origin, finding tremendous love and loyalty in their new home as well.

The Asian American and Pacific Islanders make a valuable contribution to every aspect of American life and Minnesota life, from business, education, to arts to military. We will always remember Qixing Lee, a young man who graduated from North High School of Hmong American heritage who lost his life in this conflict in Iraq. Their contributions and unique additions to our life have enhanced the moral fabric and character of our State and our great country.

As we celebrate the many contributions of the Asian American-Pacific Islander community, let us not lose sight of the cornerstone of their contributions and to the very foundation of this country, immigration. Immigration has played a vital role in the entire making of America, whether the immigrants are from Europe, Africa, whether they are from Asia, or Latin and Central America. But immigration no doubt has played a vital role in the creation and success of our country, and must be looked at as a vital American strength as we look forward in this 110th Congress.

As the Democratic-led House leads the way on immigration reform, I believe that we must look at comprehensive reform, not shock radio sound bites. Reform that fully recognizes the contribution of immigrants have made and continue to make to our Nation is as equally important as security on the border. Fair comprehensive immigration policy must work to protect and unite families. Right now, an estimated 1.5 million Asian and Pacific Islanders face an immigration backlog that has forced many families to live separated from their loved one for years. This is a shame and must end.

As we celebrate the contributions of Asian Americans and Pacific Islanders to our Nation, let us use this occasion to take our great country in a new direction and to higher heights, and to meet the challenges facing all Americans, including Asian American and Pacific Islanders. As we have in the first 100 days, let us take further steps to change the way we do business in Washington and defend our country, grow our economy, care for all children and families, protect our planet, and restore accountability. Together, we can make the American dream a reality for all Americans.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I would like to thank my good friend and colleague and neighbor, Congressman Mike Honda, first for his leadership on so many issues, and, secondly, for organizing a special order tonight to celebrate the contributions of Asian Pacific Americans, but also to celebrate Asian Pacific American Heritage Month.

We have the pleasure of representing the California Bay Area together. It is really an honor and a magnificent challenge and an exciting part of my district to bring all of our diverse communities together, to support many, many issues as minority communities. So the Asian Pacific American community is one of those communities that is incredibly diverse in my district and also in our Nation, but also plays an increasingly important role in the development of our Nation. With over 14 million people and 24 ethnic groups, they encompass vast histories and rich cultures.

In many ways, the APA community is seen as a model minority community, but the truth is the very same challenges, like access to health care and education, that other communities face are also obstacles to be overcome by Asian Pacific Americans. For example, nearly 2.4 million Asian American and Pacific Islanders are without health insurance, and about 13 percent of Asian Pacific American children are uninsured. Diseases such as diabetes are on the rise and one of the leading causes of mortality among Asian Pacific Americans.

Congressman HONDA and I also cochair the Congressional Out-of-Poverty Caucus, along with our colleagues Congressman JOE BACA, Congressman G.K. BUTTERFIELD, and Congressman JOHN CONYERS. We all are working to raise awareness of all of these challenges and are working on a plan to eradicate poverty in our country.

As with many minority communities, education plays a key role in ensuring that the next generation of APAs are able to break free from the cycle of poverty. That is why I am a cosponsor of H.R. 629, introduced by a colleague from Oregon, Congressman DAVID WU. This legislation would create institutions of higher education modeled after the historically black colleges and universities and our Hispanic serving institutions. This would establish a university for the Asian Pacific American community.

Back at home in the Ninth Congressional District of California, my constituents and organizations based in my district are really making an impact in many of these fields. An organization that I am very proud to represent is Asian Health Services. This agency has served thousands of people who cannot afford basic services such as health care and mental health services. Our Asian community is so diverse that Asian Health Services has translators that speak nine different languages. When it comes to health care justice, this agency advocates for those with no voice by working with elected officials to create policies that meet the essential mental health and health care needs.

I also want to mention the Asian Pacific Environmental Networks. This agency is a powerful grassroots organization and has done incredible work to provide housing for the waitresses and the security guards and the janitors that keep our community working. They have negotiated with developers to set aside 465 units of housing for low and extremely low income individuals. To further aid this community, the network has negotiated 300 entry-level construction career path placements, allowing constituents to gather the tools that they need for success.

This is truly an important time to reflect upon the accomplishments and the achievements of the APA community. The United States is strong because of its diversity and its immigrants. I am proud to be a member of the Asian Pacific American Caucus and our Tri-Caucus which reflects the beauty and diversity of our country. Let us rededicate ourselves tonight to eradicate the disparities and the discrimination against the Asian Pacific American community and to celebrate the great contributions.

I want to thank Congressman HONDA again for his leadership, and for making sure that justice prevails for the Asian Pacific American community, because his leadership and bringing together the diversity, closing the health care gap with regard to minority communities, all of the issues that he works on makes this House of Representatives a better place.

ASIAN PACIFIC HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. HONDA) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. HONDA. 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 subject of my special order.

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

There was no objection.

Mr. HONDA. Mr. Speaker, I would like to call upon my colleague, Ms. BORDALLO, who hails from Guam.

Ms. BORDALLO. Mr. Speaker, I rise today in honor of Asian Pacific Heritage Month and to recognize the contributions of Asian and Pacific Island Americans to our Nation. First, I want to thank my colleague from California, the Honorable Mr. HONDA, the chairman of the Congressional Asian Pacific American Caucus, for his distinct leadership and dedication to the needs of our communities.

Every May during Asian Pacific American Heritage Month, we recognize the contributions Asian and Pacific Island Americans make to the United States economically, culturally, politically, throughout its history. Asian and Pacific Islander Americans continue to make notable and diverse contributions to every aspect of American life. Asian and Pacific Island Americans also serve public interests by serving honorably in the United States Armed Services and ably at every level of government in the United States. I am proud to participate in the effort to honor their contributions to this country and celebrate our heritage with this month's events.

Some people wonder why we continue to celebrate cultural diversity. I respond by saying that doing so helps to remind us that while many of us have no memory of fleeing oppression or desiring to live freely, many Vietnamese Americans can tell you of their desire to live freely and the risks that they took fleeing communism to do so. Or, the experiences of some Korean Americans can help us better understand the importance of family and the hardships and the pain created as a result of being kept apart from loved ones for generations. While many of our lives are relatively stable and certain, some Chinese Americans or Japanese Americans can inspire you with their stories of succeeding here in the United States after arriving with no money and no possessions.

Freedom and economic opportunity are attributes of the United States that have, for generations, inspired hope among the repressed people of the world. Some of us take the United States and the American way of life for granted. The United States and the privilege and the goodness of America's way of life are particularly important for at least two groups among the Asian and Pacific Islander American community. They are Chamorro or Filipino-Americans. And I say that because Chamorro or Filipino-Americans are among the very few Americans who can identify with heart-swelling pride inspired by witnessing the striking and the unique beauty of the Stars and Stripes flying proudly at the top of flagpoles for the first time after enduring and being liberated from a brutal and extended occupation by the foreign power.

To all Americans I say this: To learn of the experiences endured by these Americans during occupation and liberation will provide you invaluable perspective on what it means to be an American. In fact, before the House this week is H.R. 1595, the Guam World War II Loyalty Recognition Act. This bill would help fulfill a moral obligation on the part of our national government to a group of citizens, the people of Guam, most of whom were indigenous Chamorros who bore the burden of a brutal occupation. The people of Guam were brutalized through public executions, beheadings, rape, and severe injury, forced labor, forced march, and internment in concentration camps.

□ 2000

H.R. 1595 is called the Loyalty Recognition Act because the loyalty of the people of Guam to the United States during this 32-month enemy occupation should be honored.

It is a tragic injustice of history that, following liberation, Congress did not provide for war claims for the people of Guam in the same manner and with the same opportunities that were afforded to other Americans. The people who carried a disproportionate burden of the war were given less than other Americans when it came time to make our Nation whole. Those who gave more in blood got less in recognition. Asian Pacific American Heritage Month would be especially noteworthy if this legislation were to be agreed to by the House of Representatives.

Asians and Pacific Islanders have a powerful story to tell, and they have a love for this Nation that many take for granted. Our contribution to America is not just the great food and the intriguing cultures that we have introduced to this land; it is also the stories of our incredible journeys to freedom.

Our heritage is our gift to this Nation. Our unique cultures have survived and continue to thrive because America has come to know and appreciate how our contributions enrich our Nation.

I am very, very proud of the Chamorro culture on Guam and take every opportunity to share our culture and our traditions.

Today it is worth reflecting on who we are as a Nation and what values we stand for. We are a Nation of immigrants whose parents and grandparents have come to these shores seeking individual liberty, prosperity and human dignity. The Nation we call our own is one of compassion and of justice. And when it comes to our heritage, we may be Chamorros, Hawaiian, Japanese, Samoan, Chinese, Filipino, Palauan, Chuukese, Korean or any of the various proud cultures of Asia and the Pacific, but we all share a common love for this country.

So as we celebrate Asian Pacific American Heritage Month, let us honor the contributions of all Asian and Pacific Islander Americans, and let us appreciate the cultural diversity, the patriotism and the communities that make our country, that make America so great.

Dangkulo na Si Yu'os Ma'ase.

Mr. HONDA. Mr. Speaker, I would like to call upon our good friend, colleague from Texas, Representative AL GREEN.

Mr. AL GREEN of Texas. Mr. Speaker, I'm honored to be here tonight to celebrate Asian Pacific American Heritage Month. And I want to especially thank Chairman HONDA for the outstanding job that he has done, not only with this event, but also what he does year round, year in and year out with our caucus, the Congressional Asian Pacific American Caucus. I thank you for what you have done.

Mr. Speaker, I represent the Ninth Congressional District in Houston, Texas. The Ninth Congressional District is one of the most diverse districts in the country. It is 36 percent African American, 31 percent Hispanic, 21 percent Anglo and 12 percent Asian. And I am proud to say that this district, the Ninth Congressional District, has the ballot printed in three languages, English, Spanish and Vietnamese, soon to have it in a fourth language, Chinese.

I'm also proud to say that we have elected a Vietnamese to the State House in the State of Texas. The honorable Hubert Vo is a State Representative from a district that is within my Ninth Congressional District.

I am so honored that we have selected the theme ''Meeting the Challenges for Asian Pacific Americans.'' This is most appropriate. Why? Because in spite of discrimination and degradation, Asian Americans have met the challenges for America. They were there when America needed a national rail connectivity. In spite of discrimination and humiliation, they

helped to construct the first transcontinental railroad.

When the greatest generation went to war in World War II, they were there, not only for America, but for the entire world. Notwithstanding dehumanization and incarceration, Americans of Japanese ancestry were some of America's most decorated soldiers.

They were also there from the Philippines. During World War II, over 200,000 Filipinos fought in defense of the United States of America. More than half died. They answered President Franklin Delano Roosevelt's clarion call for help. They met the challenges of America, and it's time for America to meet the challenges of the Filipino veterans, who were promised, I might add, the same benefits as other veterans and who have not received them to this day.

It is time for Congress to pass the Filipino Veterans Equity Act of 2007. It is time to treat all who sacrificed during World War II the same.

Asian Americans have been there for us. It is time for us to be there for them.

Mr. HONDA. Mr. Speaker, I would like to call upon our good friend from California, Congressman XAVIER BECERRA.

Mr. BECERRA. Mr. Speaker, more than anything else I'd like to thank Chairman MIKE HONDA from California for organizing tonight's special order to celebrate Asian Pacific American Heritage Month because it's important for us to not only say it today, but have it recorded in the CONGRESSIONAL RECORD for all time that we appreciate what members of American society have done for us, especially members, this month we want to celebrate of Asian Pacific American heritage, who are Americans, patriotic, hardworking, and in every respect trying to live the American dream.

And so I stand here with a great deal of pride as a Member of Congress who represents a portion of the city of Los Angeles, a very diverse district with a substantial Asian Pacific American population. I stand here as a very proud member of the Congressional Asian Pacific American Caucus' Executive Committee.

And I also stand here very proud to say that on many occasions I've had the opportunity to author legislation very important to the Asian and Pacific American community here in this country, whether it has been the issue of reuniting families of Korean descent who have not seen family members in North Korea for many, many years, or whether it's been legislation to try to help obtain justice for Asians of Latino descent who were deprived of their rights back during World War II and never, never received the recognition they deserved to get their rights and their property back. I had that opportunity.

But rather than talk about the 1882 Chinese Exclusion Act which began the whole process of discrimination and racism towards Asian and Pacific Americans in this country, or rather than dwell much longer on the history of the internment of Japanese Americans, some 120,000 back during World War II for no reason, without due process, when, in fact, we found out that Japanese Americans served this country proudly and patriotically. In fact, they were among the most decorated of American soldiers during World War II.

And rather than talk about, as I just mentioned, the plight of Filipino soldiers during World War II, who as Filipino veterans, served under the American flag, yet, by an act of Congress in 1946, were deprived of the rights to veterans benefits in this country, let me talk about something else, and not in general terms.

Let me talk to you a little bit about America's leaders today and tomorrow. Just yesterday I had the opportunity to award the winner of my Congressional Arts Competition, which we do every year, so the one winner in my district in high school who has an opportunity to present his or her piece of art work in the Capitol of the United States is introduced on that day of the selection. And that was yesterday.

My winner, for the 31st Congressional District, was Julie Lee, a high school student in my congressional district who did a phenomenal piece of art work. She will be a leader tomorrow. We know it not just because of her artistic talents, but because she came forward to participate in this process.

I could name the various military academy nominees that I've sent off to, whether it's West Point or the Air Force Academy of Japanese, Chinese or Korean American descent that I've had the pleasure and honor to send on to become leaders of this country.

Or I could simply talk about someone by the name of Christine Oh, who happens to be a legislative assistant in my Congressional office here, or Henry Truong, who happens to be my executive assistant here in my Washington, D.C. office, who many would consider my gatekeeper because he decides what my schedule looks like; or perhaps Melvin Tabilas in my district office in Los Angeles, who is one of my field representatives who helps me manage an area that has some 650,000 people there to try to make sure we give the people in my district the coverage they need.

Or perhaps I could mention the names of people like Stuart Kwoh, who has been a champion for civil rights and simply the rights of Americans, especially those of Asian Pacific American descent in Los Angeles through his work with the Asian Pacific American Legal Center.

Or I could speak to you about Grace Shimizu, who has been a champion to have restored to those Japanese Latin Americans the rights they lost during World War II through the organization Campaign For Justice, which she is a part of and leads.

Or I could mention Hyepin Im, who is the leader of the Korean Churches for Community Development in the Los Angeles area, now a national organization, which tries to help, through the Korean churches throughout this country, to bring Korean Americans forward and to receive the benefits of what this society offers to Americans.

Or perhaps I could mention Joel Jacinto, who is the Director of the Search to involve Filipino Americans, SIPA, an organization which truly goes out into the community, especially in the Filipino American community in Los Angeles to make sure that whether it's on education, housing, health care issues, SIPA is there to offer Filipino Americans those services.

Mr. Speaker, to Mr. HONDA we say, thank you for letting us have this opportunity to talk about the achievements, the accomplishments of people of Asian Pacific and American descent. Clearly, these are Americans who have persevered and excelled in this country.

We could talk about the difficulties of discrimination and racism, the violence that has been experienced by many. But rather than that, I think it's better, most fitting to talk about today's leaders, and tomorrow's leaders in this country.

So to one of today's leaders, Congressman MIKE HONDA, I say thank you for letting us talk today about tomorrow's leaders in this country as well. And with that, with great pride in helping to celebrate Asian Pacific American Heritage Month, I yield back the balance of my time.

Mr. HONDA. Just to comment about both Congressmen AL GREEN and XAVIER BECERRA, they too are also members of the Congressional Black Caucus and the Hispanic Caucus, and so they serve dual roles in their leadership. And I think CAPAC, the Congressional Asian Pacific American Caucus, enjoys the leadership, experience and the insights of these two gentlemen, and it makes our caucus stronger and partners with the other caucuses.

And it's no wonder that they come to Congress on behalf of the community because the communities there trust these two men and they trust their leadership and their insights and their conscience. So to both I say, thank you.

I'd like to call upon a Congresswoman who hails from the Aloha State who, I think, is probably the re-incarnation of the spirit of Patsy Mink, MAZIE HIRONO.

Ms. HIRONO. Mr. Speaker, I rise today to join my fellow Congressional Asian Pacific American Caucus, CAPAC members, and my other colleagues in celebrating Asian Pacific American Heritage Month.

I'd like to, of course, thank Congressman HONDA for organizing this special order tonight, and for his leadership shown throughout the year in his service as chairman of CAPAC.

The heritage month theme is ''Meeting the Challenges for Asian Pacific Americans.'' The APA community has

come a long way since the days when laws excluded us from coming to this country, barred us from many places, public places, and worse, interned us in camps solely because of our ethnic heritage.

□ 2015

Nationwide, we are now 14 million strong, and in the next 30 years the APA population is expected to double to about 8 percent of the entire U.S. population.

Because of our history of labor immigration and our indigenous island population, Hawaii has had a head start in terms of political representation. Our APA communities have lived and worked in our islands since the mid-1800s, when the first Chinese laborers were imported to work in the sugarcane fields. Since 2000, three of our communities, the Okinawans, Koreans, and the Filipinos, have celebrated their centennial anniversaries of arrival to the United States and to Hawaii.

Hawaii produced the first Governors in the Nation of Japanese and Filipino ancestry, George Ariyoshi and Ben Cayetano; the first Native Hawaiian Governor, John Waihee; the first Asian American Senators, Hiram Fong and Daniel Inouye; the first Senator of Native Hawaiian ancestry, Daniel Akaka; the first Native Hawaiian and Pacific Islander Member of Congress, Prince Jonah Kuhio Kalanianaole; and the first woman of color to serve in Congress, Patsy Takemoto Mink. And I am privileged to have served as Hawaii's Lieutenant Governor, becoming the first immigrant woman of Asian ancestry elected to statewide office and to be able to continue my service here as the first immigrant born in Japan serving in Congress.

Asian and Pacific Islander Members of Congress currently number only nine, including ENI FALEOMAVAEGA, our delegate from American Samoa. Also with me in the House are Congress Members MIKE HONDA and DORIS MATSUI, Oregon's DAVID WU, Virginia's ROBERT SCOTT, and Louisiana's BOBBY JINDALS. In the Senate we have Hawaii's two senior statesmen, Senators DANIEL INOUYE and DANIEL AKAKA.

Although the successes of our APA community over the years have been many, there is another side to our story that is not often discussed. While more Asians have college degrees than any other group in the country, we also have more people who have not graduated from high school compared with other ethnic groups. And while APAs have higher incomes, the U.S. Census counts 1.3 million Asian and Pacific Islanders living in poverty. There are still many wrongs to be righted. Some of them are decades old.

On March 1, 2007, I reintroduced the Filipino Veterans Family Reunification Act, H.R. 1287, a companion bill to S. 671, introduced by Senator AKAKA. It will accelerate the immigration process for the sons and daughters of the Filipino veterans who fought with our American troops in World War II. I am also a cosponsor of the Filipino Veterans Equity Act, H.R. 760, to fulfill our promise of full veterans' benefits to those Filipino soldiers.

I know that questions have been raised about the cost of carrying out our obligation to the Filipino World War II veterans. The Congressional Budget Office has estimated that the cost of enacting H.R. 760 will be $1 billion over a 10-year period. While this is a large sum, it is worth noting that the United States spends approximately $9 billion each month in the war in Iraq.

Challenges are also facing our Native Hawaiian population. The desire for self-determination by the indigenous people of my home State has been ignored for far too long by the Federal Government. Native Hawaiians remain the only indigenous group in our country still awaiting Federal recognition similar to the recognition Congress has granted to American Indians and Alaska Natives. H.R. 505, the Native Hawaiian Government Reorganization Act, would set up a process for Native Hawaiians to organize a government entity.

By continuing to work together, I am hopeful that we will be able to meet these challenges as we have overcome others in the past. This month Washington, D.C. is hosting the Eighth Pacific Islands Conference of Leaders, PICL. The triennial PICL brings together the heads of government and senior officials from the Pacific, including Hawaii and the U.S. Pacific Territories. This is the first time that the group has met in Washington, D.C., and it is quite an opportunity for all of us here to find common ground on issues facing the Pacific region and our world.

In closing, I would again like to thank Congressional Asian Pacific American Caucus Chairman HONDA for allowing us this opportunity to reflect upon how far our APA community has come and yet, of course, remember how much further our community has to go.

Mahalo and aloha.

Mr. HONDA. Mahalo. Thank you very much.

Mr. Speaker, I rise today to recognize the Asian American Pacific Islander community and to commemorate Asian Pacific American Heritage Month.

As Chair of the Congressional Asian Pacific American Caucus, commonly known as CAPAC, I feel privileged to be here tonight to speak of the Asian and Pacific Islander American history and accomplishments.

And before I continue, I would also like to recognize you, Mr. Speaker, for presiding over this Special Order and also knowing that you too have worked with other Asian American leaders in your home State, specifically Senator Stan Matsunaga. For that we are grateful.

Additionally, I will be highlighting those isues affecting our community and the priorities for CAPAC.

The history of APA Heritage Month: In celebrating APA Heritage Month, I want to give thanks to the late Representative Frank Horton from New York and my good friend Secretary Norman Mineta, along with Senators Daniel Inouye and Spark Masayuki Matsunaga, that May is now designated as Asian Pacific American Heritage Month.

The first 10 days of May coincide with two important anniversaries: the arrival of the first Japanese immigrants on May 7, 1843, to the U.S. and the completion of the transcontinental railroad on May 10, 1869.

In 1992 Congress passed public law No. 102–450, the law that officially designated May of each year as ''Asian Pacific American Heritage Month.'' The first AAPI settlement in this country dates back to 1763, when Filipinos escaped imprisonment aboard Spanish galleons and established a community near New Orleans.

The AAPI community quickly expanding. Currently, there are approximately 14.6 million AAPIs living in the United States, comprising just over 5 percent of the total U.S. population. By the year 2050, there will be an estimated 33.4 million individuals living in the United States who identify as Asian alone, representing a 213 percent increase from 2000, comprising 8 percent of the total U.S. population. My home State of California has both the largest AAPI population, 4.9 million, and the largest numerical increase of AAPIs since 2000.

There are some needs. Mr. Speaker, this year's theme for Asian Pacific American Heritage Month, ''Meeting the Challenges for Asian Pacific Americans,'' reflects hardships overcome by the AAPI community while highlighting the hope we maintain as we contribute to the prosperity of this great Nation. As our community expands, we must also continue to educate our fellow citizens about the uniqueness of our experiences.

The AAPI community is often misperceived as monolithic. Our community is extremely diverse in our languages, ethnicities, culture, and challenges. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities and subgroups, such as the Southeast Asian Americans, who are refugees that fled their home countries during the late 1970s and the early 1980s. As a country, we need to better address the needs of the AAPI community when we discuss comprehensive immigration reform, education, health issues, and veterans' affairs.

Comprehensive immigration reform: Mr. Speaker, our Nation was founded by immigrants who valued freedom and liberty, who sought to be free from persecution and from tyranny. Families fled their home countries to seek refuge in this great Nation because they too believed in ''liberty, justice, and freedom for all.'' It is in this spirit that

CAPAC supports immigration legislation that shifts the debate from an exclusionary, anti-immigrant, enforcement-only approach to one that confronts the social and economic realities behind immigration; honors the dignity of all families and communities; and recognizes the economic, social, and cultural contributions of immigrants to our great country.

Today, AAPIs constitute a growing and vibrant piece of the American fabric. In 2005 close to 9 million of this Nation's foreign born were born in Asia, constituting approximately one quarter of the foreign-born population and over one half of the total AAPI population. Even with a relatively high naturalization rate, there are approximately 1.5 million Asian undocumented immigrants living, working, or studying in the U.S., representing 14 percent of the undocumented immigrants in the United States. These include victims of immigration fraud, who have become undocumented due to no fault of their own. Many work and study hard, pay taxes, and yet live in fear with no hope of gaining a path to legal permanent resident status. Let's give these workers and these students an opportunity.

In addition to an earned pathway to citizenship, family reunification is a high priority in the AAPI community. Immigration reform must espouse the family values that are so fundamental to our national ideals. Family members provide care for the sick, for their children, and for their elderly. Family members are crucial for small businesses and educational opportunities. Close to 2 million AAPIs wait years, sometimes even decades, in order to reunite with their families in the United States. AAPI families who seek to be reunited with their family members overseas have not seen their dreams come true because of our dysfunctional immigration system. We need comprehensive immigration reform to address these backlogs.

And education: In addition to immigration reform, expanding educational access for all Americans is also a high priority for CAPAC. Mr. Speaker, as Americans, we need to ensure that our children receive a quality education by providing adequate teacher training, funds for after-school and extra-curricular activities, and ensuring that college is affordable for every student who desires to receive a higher education.

According to the U.S. Census, 41 percent of Asians age 25 and over have a bachelor's degree or higher level of education. However, when the data is disaggregated for AAPI subgroups, we find that the ''model minority'' stereotype is, in fact, a myth. According to the 2000 Census, only 9.1 percent of Cambodian Americans, 7.4 percent of Hmong Americans, 7.6 percent of Lao Americans, 19.5 percent of Vietnamese Americans, and 16.5 percent of Native Hawaiians and Pacific Islanders who are 25 years and older have a bachelor's degree or higher degrees.

These numbers show that we must do a better job of disaggregating the data and information about our communities to assess the needs of those hard-working Americans who still falter behind.

To address the disparities between subgroups of the larger AAPI community, we need Congress to pass the Asian American Pacific Islander Serving Institutions bill, which my colleague from Oregon, Representative DAVID WU, has introduced in January. This legislation will provide Federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI and at least 50 percent of its degree-seeking students receive financial assistance.

As a caucus, we will work to increase the availability of loan assistance, scholarships, and programs to allow AAPI students to attend a higher education institution; to ensure full funding for teachers and bilingual education programs under the No Child Left Behind law to support English language learners; and to support full funding of minority outreach programs for access to higher education such as the TRIO programs to expand services to serve AAPI students.

In health, Mr. Speaker, a common misperception of AAPIs is that as a group, we face fewer health problems than other racial and ethnic groups. But, in fact, AAPI as a group, and specific populations within this group, do experience disparities in health and health care. For example, AAPIs have the highest hepatitis B rates of any racial group in the United States.

□ 2030

This week, health advocates from around the country will be participating in a National Awareness Campaign to bring attention to and educate their communities about prevention of hepatitis B through testing and vaccination. In the United States, 12 million people have been infected at some time in their lives with the hepatitis B virus, and more than 5,000 Americans die from hepatitis B related liver complications each year.

Asian Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infections in the United States. In order to break the silence surrounding this deadly disease and bring awareness to the American people, Congressman EDOLPHUS TOWNS, Congressman CHARLIE DENT and I have introduced H.R. 366, which supports the goals and ideals of National Hepatitis B Awareness Week. I hope my colleagues will join me in educating our communities about the dangers of this disease.

AAPIs are also five times more likely to develop cervical and liver cancer than any other ethnic and racial group. Furthermore, according to the Census Bureau, 18 percent of AAPIs went without insurance for the entire year in 2000. This means that the uninsured are not only more likely to go without health care for serious medical conditions, they are also more likely to go without routine care, less likely to have a regular source of care, less likely to use preventive services, and have viewer visits per year.

At the same time, without appropriate language translation services or properly translated materials, limited English proficient immigrants cannot receive adequate care as well as State and Federal benefits for which they may be eligible. In the AAPI community, 76 percent of Hmong Americans, 61 percent of Vietnamese Americans, 62 percent of Korean Americans and 39 percent of Tongans speak limited English. Therefore, eliminating health care disparities in the AAPI community must include data collection, linguistically appropriate and culturally competent services and access to health insurance.

CAPAC has been working with both the Congressional Hispanic and Black Caucuses on the Health Care Equity and Accountability Act to eliminate ethnic and racial health disparities for all of our communities. The act would expand the health care safety net, diversify the health care workforce, combat diseases that disproportionately affect racial and ethnic minorities, emphasize prevention and behavioral health, and promote the collection and dissemination of data and enhance medical research.

Mr. Speaker, I would also like to extend my gratitude to the patriotic men and women serving our country in the military, including the 62,378 AAPIs who are on active duty in the military, and the 7,904 AAPIs who are currently deployed in the global war on terrorism. I also commend and thank the 446,000 AAPI veterans who have fought for our country.

I would like to highlight and honor the Filipino veterans who have not been compensated or recognized for their service, which I believe is a national disservice to these brave veterans. As a country, it is our duty to ensure these veterans have equal access to all of the benefits and treatment that other veterans receive. We believe that our troops should be taken care of when we send them into battle and that they should be given the respect when they return home. Therefore, CAPAC endorses H.R. 760, the Filipino Veterans Equity Act introduced by Representative BOB FILNER, who chairs the House Committee on Veterans' Affairs. CAPAC thanks Representaive FILNER for his leadership on this issue.

H.R. 760 would do justice by providing the full benefits promised to all Filipino veterans who fought in World War II under the command of the U.S. military. The Filipino Veterans Equity Act would eliminate the disparities and

benefits between some Filipino veterans and restore the honor and dignity they so deserve. With Congressman FILNER as the Chair of the Veterans' Affairs Committee, we have a great chance to get this bill to the floor.

There are many firsts among the AAPIs. I am proud of our community's accomplishments, and I would like to recognize many of the AAPIs first in areas of art, film, sports, science, academia and politics, but also emphasize that they should not be the last.

In 1847, Yung Wing, a Chinese American, graduated from Yale University and became the first AAPI to graduate from an American university.

In 1863, William Ah Hang, a Chinese American, became the first AAPI to enlist in the U.S. Navy during the Civil War.

In 1922, Anna May Wong, in her lead role in ''The Toll of the Sea,'' at the age of 17 became the first AAPI female to become a movie star, achieving stardom at a time when prejudice against the Chinese in the United States was rampant.

In 1944, An Wang, a Chinese American who invented the magnetic core memory, revolutionized computing and served as a standard method for memory retrieval and storage. And today we have iPods that are smaller than a deck of cards that can hold up to four gigabytes of information, all coming from this 1944 invention by An Wang.

During World War II, the 442nd Regimental Combat Team of the United States Army, comprised mostly of Japanese Americans, became the most highly decorated unit of its size in the history of the U.S. Army, including 22 Medal of Honor recipients, Senator DANIEL INOUYE being one of them.

In 1946, Wing F. Ong, a Chinese American of Arizona, became the first AAPI to be elected to State office.

In 1947, Wataru ''Wat'' Misaka became the first ethnic minority and the first AAPI to play in the National Basketball Association for the New York Knicks. How about that?

In 1948, two Californian divers, Dr. Samuel Lee, a Korean American, and Victoria Manalo Draves, a Filipina American, became the first AAPIs to win Olympic gold medals for the U.S.

In 1956, Dalip Singh Saud, an Indian American, became the very fist AAPI to be elected to the U.S. Congress.

In 1959, Hiram Leong Fong, a Chinese American, became the first AAPI to be elected as a United States Senator and is the only AAPI to actively seek the Presidential nomination of a major party.

In 1965, Patsy Takemoto Mink, a Japanese American, becames the first AAPI woman and woman of color elected to the United States Congress.

In 1971, Judge Herbert Choy, late Ninth Circuit Court judge, became the first AAPI to sit on the Federal bench.

In 1985, Haing Ngor, a Cambodian American survivor of the Khmer Rouge regime, became the first AAPI to win an Academy Award for his role in ''The Killing Fields'' movie.

In 1985, Ellison Onizuka, grandson of a Japanese immigrant, became the first AAPI astronaut to reach outer space, and in 1986 died in the space shuttle explosion of the Challenger.

In 2000, Secretary Norman Mineta was confirmed as Secretary of Commerce under President Clinton and became the very first AAPI to hold a cabinet post; then continued his service to America as Secretary of Transportation under President Bush.

In 2001, Secretary Elaine Chao was confirmed as Secretary of Labor under President George W. Bush, becoming the first AAPI female to hold a cabinet position.

Mr. Speaker, the Asian and Pacific Islander American community continues to fight for our civil rights as Americans. Even after the internment of Japanese Americans during World War II, we as a community did not grow embittered or cowed by discrimination; instead, we progressed and moved forward.

I am a proud member of the AAPI community, and I am proud to be one because we continue to serve as positive contributors to our many communities by investing in education, business and cultural opportunities for all Americans.

In closing, this Asian Pacific American Heritage Month we take pride in our history, accomplishments and the promise of our future as we continue to pave the way for a better tomorrow and a better America.

Ms. PELOSI. Mr. Speaker, today I rise in celebration of Asian Pacific American Heritage Month.

I am proud to represent the city of San Francisco, where we are blessed in our community to have a thriving Asian American and Pacific Islander (AAPI) population. It is home to our Nation's oldest Japantown, one of the largest Chinatowns, and countless other ethnic communities.

As one of the fastest growing ethnic groups in our country, Asian Americans and Pacific Islanders contribute to our economic prosperity, cultural diversity, and political process. Representing 11 different ethnicities, they have a unique voice, which plays a role in the work that we do in Congress to improve the lives of Americans every day.

While the debate about comprehensive immigration reform intensifies across the country, it is recognized by many of my colleagues as a hurdle that particularly affects Asian Americans and Pacific Islanders. Whether it is a Chinese student waiting for a visa, or the South Asian worker waiting to be reunited with his family, comprehensive immigration reform is a challenge that must be met. Their experiences reflect that of the first immigrants to our country, who dreamt of a better life for themselves. Within the AAPI community, there is a beautiful diversity that reflects the ideals of family values, hard work, and a wonderful optimism that our nation was founded upon.

Asian Americans and Pacific Islanders also face the tragic challenge of combating hate crimes. Last week, the House of Representatives passed legislation that strengthened the ability of local, state, and federal law enforcement agencies to solve a wide range of violent hate crimes based on religion, sexual orientation, gender, gender identity, national origin, or disability. Although a hate crime may affect the life of one victim, its impact reaches deep into the community. All Americans have a right to feel safe in their community. Sadly, we remember Song Sun Lee, Stephen Kam Yan Li, and Robert Stanford, all recent victims of hate, whose lives were unjustly cut short.

As we work on legislation to improve lives for the future, we must remember the challenges from the past. World War II set the stage for courageous acts of heroism, but at the same time generated acts of grave injustice and discrimination. I salute the Filipino Veterans who fought bravely during World War II and join them in their fight for full veterans' benefits. I recognize the courage of the remaining comfort women and will work to ensure that their rights are protected.

I am pleased to stand here with my colleagues who also recognize the efforts and accomplishments of Asian Americans and Pacific Islanders in this country. I thank Chairman MIKE HONDA and the rest of the Congressional Asian Pacific American Caucus for their continuous efforts to ensure that the millions of voices of Asian Americans and Pacific Islanders are heard.

As we celebrate, let us continue well past Asian Pacific Heritage Month to value and appreciate the contributions of Asian Americans and Pacific Islanders living in the United States.

Mr. WU. Mr. Speaker, it is with great honor and pleasure that I join my fellow members of the Congressional Asian Pacific American Caucus to celebrate Asian Pacific American Heritage Month. This May marks the 29th time that America has recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

America has reached greatness in part by the accumulation of ideas from those with varied heritage and backgrounds. In particular, Asian Pacific Americans have made profound contributions to the arts, education, science, technology, politics and athletics. Asian Pacific Americans have played an active and crucial role in the development of the United States, from linking the coasts of the nation with the transcontinental railroad to bringing the world closer through development of the latest Internet technology.

This year, Congress will be debating and voting to reauthorize No Child Left Behind and the Higher Education Act. As a member of the Education and Labor Committee as well as the Congressional Asian Pacific American Caucus, I am working hard to ensure that the Asian Pacific American community not only has a seat at the table of these debates, but also a strong voice to shape the national conversation.

The Asian Pacific American community remains and always will be an integral and vibrant part of American society. As we take part in the celebration of Asian Pacific American Heritage Month, I urge everyone to participate more deeply in the civic life of our nation. Asian Pacific American civic engagement will help to define our collective future and ensure that we move forward with determination and unity. Let us work together to build bridges and strengthen our great nation's diverse communities.

I encourage Congress and the American people to spend the month of May absorbing the legacy, culture and achievements of the Asian Pacific American community.

AMERICA FACES LARGEST TAX INCREASE IN HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHUSTER. Mr. Speaker, coming to the House floor as I have for the past 4 months to talk about the great concern that I have and to draw attention to what is going to happen in the United States Congress if the new Democratic majority does not act, in just 1,335 days, the American people are going to see the largest tax increase in American history. I also believe, although I haven't been able to verify this, it is probably the largest tax increase in the history of the world. And the Democratic majority doesn't have to even vote on it, all they have to do is run out the clock and allow the tax reductions, the tax cuts that occurred in 2001 and 2003 to expire. And only in Washington, and I have heard this said, that the majority party is not going to raise taxes because they won't vote on raising taxes, but because they are going to expire and people's taxes are going to go up, that is not really a tax increase. Well, if you are sitting out there in middle America and you are making $40,000 a year and you have two children, your taxes will go up approximately $2,000. That is a tax increase. Everybody in America knows that. And everybody that knows how to add and subtract knows that if your taxes go up $2,000 or if anything goes up $2,000, that is an increase. And as I said, the majority, the Democratic majority will not have to vote on it, they can just, as I have said, run out the clock.

In 2001 and 2003 and every year in the Republican majority, we cut taxes; we cut some tax over the 12 years in majority. And the new Democratic majority, it took them about a week, maybe less than 10 days to have their first tax increase. They passed it back in January. And fortunately it hasn't become law because they haven't been able to pass anything of substance that passed the House and the Senate and gone to the President. So, as I said, we haven't seen that first tax increase, although the Democratic majority did in fact vote on a tax increase and it passed here in the House.

I hope my friends on the other side will take a lesson from history and look back to the 1960s to President John F. Kennedy and what he did in his term as President. One of the first things he did was to cut taxes. And what happened in the 1960s? The economy grew, revenues to the Federal Government grew because of those tax cuts. And then look back just into the 1980s when President Ronald Reagan came to Washington, and with the help of a Democratic majority, he cut taxes. And what happened? The economy grew, the revenues to the Federal Government grew, and that was a positive thing.

The same thing occurred in 2001 and 2003 and continues. We cut taxes, allowing the American people to keep more of their hard-earned dollars, and the economy is growing. Revenues to the Federal Government are at record levels coming into the Federal Government. And the facts are there. Since 2003, 7.5 million jobs have been created. That is more jobs that the European Union and Japan combined have created. Our economy has now added jobs for 43 straight months.

Just last month, in April, 88,000 new jobs were created in the United States. Folks that had been unemployed or happen to find themselves unemployed are finding much shorter duration of unemployment than they had in the past. The national unemployment rate remains at 4.5 percent, which is well below the 5.1 percent rate which was in 2005, and below the average of each of the past four decades.

□ 2045

The U.S. has grown faster than any G–7 industrialized nation over the past 4 quarters. Wages have increased, and tax relief has helped spur economic growth by keeping over $1.1 trillion in the pockets of Americans. As I said, if the Democratic majority doesn't act by January 1, 2011, all those tax cuts, tax reductions we put in place for small businesses, for families, for individuals, will expire.

In my State of Pennsylvania alone, the average worker, the average taxpayer, will see about a $3,000 increase in his taxes. My good friend from Florida, RIC KELLER, informs me that the average taxpayer in Florida will see an increase of $3,000, if we don't act and extend those tax cuts.

Once again, that is what we are going to do tonight, is talk about this countdown. We call ourselves the Countdown Crew, because in 1,335 days, if the Democratic majority doesn't act, the average American and average small business in this country, the individual in this country is going to see their taxes increase.

That money will come out of their pockets, will come to Washington, and they will not have an opportunity to spend it as they see fit. They won't have an opportunity to save it for their retirement, or their children's college education or future education. So it is important that we draw attention to what is going to happen here in Congress.

The Democrats won a majority in the election and they said first of all that they were going to have ''6 for 06.'' They have passed all six of those in the House, but nothing of what they passed, none of those six have made it into law. As I said earlier, very few things we have passed here on the floor have made it into law. We have named a couple of post offices and Federal buildings, but nothing substantial has been able to pass this Congress and become law.

As I said, I think it is extremely important that the American people are aware that just by running out the clock, the taxes for every American, every small business, every business in America, will go up, without action in this House.

With that, I am joined here tonight by my good friend from Kentucky, a former business owner and a father of several children, I can't keep count, five or six.

Mr. DAVIS of Kentucky. Six

Mr. SHUSTER. Six. I would like to yield to the gentleman.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from Pennsylvania. I just want to say I appreciate the leadership you have shown since the beginning of this Congress on being the lead sponsor of the Countdown Crew.

Both BILL SHUSTER from Pennsylvania and I were small business owners. We have lived out in the real world. We are not attorneys. We come from an environment of working and manufacturing and distribution and logistics with real people. We know the burdens on making sure our employees are covered with health insurance. We know the impact of tax increases and tax cuts.

For those of you joining us right now, we would love to hear your stories, the impact on being able to keep more of your own money, what it has meant to you and the ability to invest in your children's future, to build a future for yourself, to build a nest egg, to start a small business, to expand the small business that you have.

BILL and I have heard literally hundreds of stories since the first of the year. We would like to hear yours. You can communicate with us directly at Countdowncrew@mail.house.gov. That is Countdowncrew@mail.house.gov.

At the end of the day, I believe that the key principle that we have shared over and over and over again is that our focus and the focus of the government is that the government cannot create value or wealth for people. What the government can do, done rightly, is create a playing field and a framework to unleash the creativity in the American people, to give them the opportunity to pursue their dreams, to pursue a future, to build a future for themselves, and ultimately we start that process by making sure that people can keep more of what they earn.

When you have control over your money, you are going to invest it in such a way that it makes a difference for you, your family, ultimately for your community and the country. That is why we say we want to create taxpayers, not raise taxes.

It has been a few weeks since we were able to get together here on the floor

as we have been counting the days since our first session the second week of January when we began sharing what was ahead. We predicted at that time that there would be tax increases coming.

Much of the change in the election was not driven by fiscal policy. It was driven by anger or resentment or emotion related to the national security situation. But as people are waking up, I am traveling in different parts of my district, many folks upset about that said, ''I didn't realize I was voting for a tax increase.'' In fact, what was voted on in the House last month with was the largest tax increase in American history.

My friends, that is not a solution to the country's challenges. By raising taxes, we limit opportunity. By raising taxes, money comes out of our communities, it comes out of working families' pockets, it comes to bureaucrats in Washington.

When some of my colleagues on the other side made comments about wanting to reduce the deficit and spending, they didn't want to reduce spending. What in fact they wanted to do was reduce defense spending, but not reduce spending on other programs. Indeed, that spending has increased under this budget. What we are looking at over 5 years is an estimated $900 billion tax increase. That is going to be devastating to the economy.

In Kentucky alone, I come from a district that is very diverse with agriculture, manufacturing, distribution, logistics. We have river industries. We have the largest inland port in North America with the Port of Ashland-Huntington, where much of our Nation's energy supply transits. Our average working family in Kentucky is going to see a tax increase of $2,563, right off the bottom line. When I think what we could do with that, I have got my second child going into college now, I think of what we could do with $2,500 is immense.

We look at the counterpoint, I look to the gentleman's point earlier regarding what happened when taxes were cut by President Kennedy, what happened when taxes were cut by President Reagan, what happened when taxes were cut by President Bush and the Republican Congress at that time, at a very difficult period in this Nation's history as we entered into war, just prior to the 9/11 attacks. There was a recession in 2001 that was inherited from the prior administration.

What we have seen is record revenues to the Federal Government by reducing taxes. By raising the ceiling, in fact pushing the burden upward on taxes and reducing the burden on working class families, taking millions of people off the tax rolls, by creating a 10 percent tax bracket, has resulted in the creation of 7.5 million jobs, record revenues to the Federal Government, and that done in a time of war. What that tells me is that these principles work; that Republican, conservative fiscal principles work by allowing people to keep more of their own money.

My question in fact to folks is if you had to write that $2,500 check, what do you want to get in return for that? At the end of the day, we want to get something that is going to make a difference for our family, our community and our country, and not fuel empty rhetoric, particularly spending on programs that aren't necessarily going to add any value.

180,000 jobs were created in March alone. As we travel throughout our districts, I hear stories in a wide variety of industries, many of them I have shared here on various evenings as we have come back to Washington, D.C., the successes that people have had by being allowed to keep more of their own money and build a future in their hometown, in the heartland, and not send it to bureaucrats far away.

I would like to invite my colleagues from Texas, Congressman CONAWAY and Mr. SHUSTER, to continue the dialogue with some of these examples. But if you just joined us again, we are the Countdowncrew@mail.house.gov. We would like to hear your stories. We would like to hear your testimonials, how it has made a difference for you in creating jobs and small businesses in our local communities where 88 percent of all new jobs created in this country come from.

It is not going to come from giant corporations. It is certainly not going to be created from liberal policies of the folks on the other side of the aisle. It comes by you producing your future, chasing your vision and investing your dollars to build that.

With that, I yield back to the gentleman.

Mr. SHUSTER. Mr. Speaker, I appreciate the gentleman talking about this tonight. I think it is important that you point out that it is not the government that creates jobs, it is small businesses. We do want to hear your stories. We want to hear what you have been able to do with that tax cut that you received, either in your business or your family, and those stories, we would like you to e-mail them to us at Countdowncrew@mail.house.gov.

If you don't want to send them to us, send them to your Member of Congress. Let your Member of Congress know how important it is that this Congress acts to extend those tax cuts before they expire. They are going to expire anywhere from the end of this year in 2007 to the end of 2010, and if we don't act, run out the clock, we are going to see this huge tax increase and you are not going to have that money in your pocket. It is going to be spent to Washington and the bureaucrats and politicians are going to spend it.

It is a great privilege to have with us here tonight a colleague of ours from Texas, who more importantly than that is a CPA. He understands the Tax Code better than most of us, although I don't know that anybody understands the Tax Code, as large and complex as it is. But we appreciate his coming down and being able to walk us through some of what is happening in the Tax Code and the burdens it is placing on businesses and families.

With that, I yield to a good friend from Texas, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I thank my good friend from Pennsylvania and good friend from Kentucky for coming down here tonight to talk about what the Countdown Crew has been talking about, and that is the pending tax increase that is looming large on the horizon.

Part of the problem as I toured District 11 during the Easter break was that because the actual tax law change is still years away, many people in the district are not paying as much attention to it as I think they should. It is kind of like the fellow who fell off the 10 story building. As he passed the 5th floor, he was heard to say, ''so far, so good. So far, so good.''

We have fallen off the building. January 2, when the Democrats took over the House, we fell off the edge. It took them 14 days to raise taxes on the oil business, the first tax increase, and we are much like that gentleman who was in midair headed to an abrupt halt when he hit the ground, and that is the misguided idea that so far, so good; so far, so good.

Back in March, these chambers heard an incredible amount of rhetoric about the budget and if you had just tuned in, you didn't really know which side was which. Basically what you heard was a schoolyard squabble in which our side said yes, you are, and their side said no, you're not, and yes, you are; no, you're not. We went back and forth, and I don't know that any of us really adequately explained to the people listening, Mr. Speaker, why both sides claimed the exact same set of facts with two totally different interpretations. Let me try to be a little instructive on that tonight, as best I can.

The current tax law says that in 2011 most of the tax breaks as we refer to those that were enacted in 2001 and 2003 will expire on their own. Back in 2001 and 2003, the Senate, the Democrats particularly in the Senate, invoked the Byrd amendment or the Byrd rule, I guess, which restricts tax law thinking to a 10-year window. In other words, we handcuff ourselves with respect to tax policy in some artificial time frames that may or may not make sense.

It is unfortunate that we do it that way, but that is kind of the ground rules we have. We could spend nights and nights talking about how we could reset the ground rules and have a much better way of developing tax policy in this House that would make much more sense.

But, nevertheless, that 10-year window restricted the elimination of the death tax, the tax rate decreases, the marriage penalty, the earned income credits, that we wanted to make permanent that left this House. The bill that left the House would make all of

those things permanent. But the compromise in the Senate, in order to get it out and passed the obstructionist Senators, Democrat Senators at that time, we were limited to 10 years.

We are now coming on to the end of that time frame and existing law says that on January 1, 2011, tax rates, as an example, the top rate, which is now 33 percent of earned income, will rise to 39.6 percent, a 20-plus percent increase. The bottom rate, which is currently 10 percent, goes to 15 percent, a 50 percent tax increase on the folks who make the least amount of money in our society. So what is happening is that the Democrats are hiding behind the operation of law as it currently exists to say that they are not raising taxes.

But the proof is in the pudding, because in their 5-year budget window that they have presented and passed through the House and that we will appoint conferees on tomorrow, spends the money that gets raised in the budget window of 2011 and 2012. So the Democrats actually let it work as it is supposed to, as it is going to, without intervention by the Republicans, and the Federal tax collection scheme will collect an extra $400 billion in 2011 and 2012.

Our colleagues on the other side of the aisle say they are not intending to allow the tax increases on those 10 percent brackets, et cetera, et cetera, to actually happen. That we need to trust them. That their intent is to not allow that to happen before this 2011 timeframe.

But the problem is, they spent the money that is raised. So in order to offset under their definition of PAYGO, that they invoke from time to time, and they change this definition, by the way, from time to time.

□ 2100

Mr. DAVIS of Kentucky. You might want to share about the idea of PAYGO which means something to us as Americans and means something very different in this Congress. It is not how you balance your checkbook at home.

Mr. CONAWAY. Yes. We recently passed the D.C. Voting Rights bill which is a separate conversation. It had a modest amount of money in terms of D.C. modesty. In terms of District 11, there aren't very many people out there who have a deposit slip big enough to deposit the $14 million that it is going to cost. It will cost $14 million to add two additional Members of Congress.

The bill that was passed violated PAYGO on its face. They had a convoluted rule that said even though that bill has passed the House, if we don't pass the fix, the PAYGO fix, then neither bill will actually pass. So they winked at themselves on the first bill, saying we are going to fix the $14 million hole.

Then the next bill that came forward to fix their PAYGO issue did not raise taxes on anyone to pay for it. They did not cut spending anywhere, and it didn't raise the taxes necessary to do that.

The manager of the time that afternoon actually said from the microphone right over there in the middle, we are not raising taxes on any American. What they are doing, though, is basically taking an advance on next month's salary. What they did was said taxpayers who have an adjusted gross income of more than $5 million, which is a relatively small group of people and not a crowd that draws much sympathy among folks, we are going to insist that they advance their tax payments a little quicker than they would have otherwise. The overall tax that they are going to owe is not going to change, but we want them to pay in an amount a little quicker.

However the CBO scored that cash flow, they scored it as a positive which allowed them to wink and say yes, we now have conformed with our own PAYGO rules.

So the Blue Dogs have to explain to us how their new version or definition of PAYGO works where they can simply advance moneys out of next month's salary, in effect, and that somehow meets the PAYGO standard.

Tomorrow we will debate this issue that the tax rates happen on their own. We intend to not let it happen. But in order to do that, they have to raise taxes somewhere else. So they have to take that 39.6 new rate in 2011 and raise it even higher in order to make up for reducing taxes on the folks at the bottom of the deal.

Republicans have said that this is a tax increase. You allow it to happen. You have the choice to not allow it to happen. You allow it to happen and you spent the money. So both sides have got arguments that have some substance of truth, some version of truth in them, and you have to look at the total package.

But at the end of day, at the end of their 5-year budget window that we will be debating tomorrow, good Americans will pay in another $400 billion in taxes. And guess what, our colleagues on the other side of the aisle found a place to spend it. They didn't reduce the deficit. They didn't reduce the national debt or put it into a rainy day fund, or save it. They spent it. Their rhetoric to the contrary that they are not raising taxes is hollow at best given the action that their budget will actually do.

I want to talk a little bit about overall tax policy in this country, if I can. I pose this idea. We tax capital gains, dividends and interest at rates that are less than the rate we tax earned income. So what we are saying is as a policy of this government, we think that hardworking people who sweat should pay higher taxes than our money does when it is working for us in the capital markets. Now that is an interesting philosophy and one that has been accepted around these halls for a long, long time, and we can have a debate whether or not that makes sense.

But what is the correct tax rate on capital gains? I know what the Tax Code says, but what should that rate be? What should we tax earnings from capital gains and interest and dividends? What should the tax rate be? What is magic about the current number? Should it be twice that, half that?

It is not like math classes where you went to the back of the book and the even or odd-numbered questions had the answers. There is no back of the book. I will pose the same question about earned income. A person working for Parker Drilling Company in West Texas or UTI Patterson Drilling Company, folks who work hard and understand what work is, what you and I do here, we call it work but it is not work in the tradition that I understand hard work is. What should we tax that guy or that woman for their earned income, their work? What should we tax accountants and doctors and lawyers for the work that they do day in and day out, providing the services and goods we want? What is the correct rate?

We have rates in the code. We think the rates that have been in place for the last 7 years may or may not be right, but they have helped produce an economy that has boomed and is continuing to grow.

Now Ronald Reagan said the stuff you don't like, you ought to tax it. If we don't like people working, we raise taxes.

As we have this debate night after night and year in and year out, let us talk about the idea what should the correct rate be. Regardless of the Byrd rule and regardless of the 10-year plan and regardless of the budget act nonsense that we have to tie our hands with, what ought to be the rate? Is there a better tax collection scheme than the one we currently have? Should we go to a national sales tax or flat tax? Let's begin to have those discussions.

I have spent 30-plus years helping clients comply with this incredibly difficult Tax Code. No, I am not an expert in it. I have some background and some depth, but this thing is incredible. We have narrow experts in the accounting world who take on various segments of it who don't know the full deal. It is incredibly complex. Let's begin to discuss how should we collect money? How should we collect the minimum amount of money needed to fund this Federal Government in ways that are fair, simple, straightforward, easy to comply with, and don't cost the estimated $260 billion a year that Americans spend complying with this incredibly complex code.

This code has all sorts of winners and losers. As we begin to talk about PAYGO, and you look at the tax increases that the Democrats will propose, every one of those have winners and losers. Every one of those pit some segment of society against the other, some level of wealth against another, and I don't think that makes for a good way to do things, to create this constant tension between taxpayers. We

are in this all together. We all want the Federal Government to work as efficiently as we can.

Mr. DAVIS of Kentucky. I go back to Yogi Berra's old saying about deja vu all over again. You talk about what the right tax rate is and how do we explain it to the American people. I think it would be helpful if the Democrats would simply tell the truth.

The reason I lay this out, as a former small business owner, I remember in 1992 being told stories by then-candidate Bill Clinton how he was not going to raise taxes. President Bush at the time made the statement that Clinton ran saying he wouldn't raise taxes, and then turned around and made a deal that raised taxes, damaged his credibility and hurt the economy at the time.

I was getting ready to step out into the entrepreneurial world and leave the software industry to start my own business. I had manufacturing clients that wanted me and eventually some of the folks that I hired to work with me and assist them in improving their competitiveness nationally. We started that business in late spring of 1992, getting it up off the ground. We managed to feed our families that first 6 months and do all right in that time, but our real opportunity was going to come in 1993.

All of a sudden after Mr. Clinton became President, he came before the American people and he didn't say I am going to keep my promise and cut those taxes because we know that allowing people to keep more of their own money creates a future for them. He offered me a new alternative as a new small business owner with employees, with health plans to pay for, with taxes to pay for, with regulatory fees to pay for, dealing with workmen's compensation and disability and costs that I had never known in the large corporate world, and he invited me to invest in the United States Government.

I looked at this as a small business owner and a former military officer. I thought my investment in the United States Government should be first in providing for the national defense, how was I going to promote the general welfare as the Constitution would ask us to do, I would hope in infrastructure, in projects that were going to be seed money to create more jobs and to stimulate the economy in our area. But what did we get, the largest tax increase in American history at that time, actually a fraction of the one that was passed in this recent liberal Democratic budget.

We reduced the size of our military and we weakened national defense by taking several divisions out of the standing Army, reducing the size of the Marine Corps, reducing the size of the Navy, reducing the airlift capability in the Air Force.

We increased spending in social programs. We increased the mandatory spending rate in social programs to nearly twice the rate of inflation while shorting our men and women in uniform in the mid-1990s as an administration priority.

Then radical Islamic extremism intruded itself upon the United States on 9/11. We had been dealing with it before then, but like the old saying of the Purlator man commercial, ''you pay me now or you pay me later.''

Now we are in a big catch-up situation from a national security standpoint of things that could have been handled 10 years ago.

I think back as a small business owner, what were the costs that were taken away when I invested in the government? Well, the additional tax money, we saw no benefit of that. I saw my clients hurt. I saw manufacturing companies hurt, and I saw other machine tool companies hurt by increased environmental compliance and the increased cost of regulation. And the attempts to manage health care from a national perspective actually drove costs up. In Kentucky, by doing a plan that was called Hillary-lite, something that was a lesser plan of the Democrat health care proposals of that same year of 1993, we drove 45 of 47 insurance carriers out of the State, quadrupled the cost of health care for small business owners in a relatively short period of time. To me that was the opposite of the original intent.

If I invest in something, I would like to see a return. If we spend money in our community, we would like to see a benefit accrue for our community and it certainly didn't happen there.

Just on the taxes that we paid, and we don't know where they went to support all of these programs with this increased investment, we could have hired probably three more consultants or nearly a third larger workforce which would have created more taxpayers and which would have been helping more businesses to compete and would have been putting more dollars into the Federal treasury.

But on the other hand, now we found ourselves at the end of the Clinton administration needing to come out of a recession. We have reduced taxes and we have moved to simplify regulation. But because of the actions last November, I believe that my colleagues on the other side of the aisle sincerely but incorrectly have interpreted that election as another opportunity to affirm their desire to have small business owners invest.

And the truth of the matter is that if 88 percent of our jobs are created by small businesses owners, the last thing we want to do is tax those who are going to be starting those companies and starting those family enterprises.

Again, in 1,335 days from now the average family in my State will have a $2,563 tax increase. You mentioned the 50 percent increase that is coming for those in the 10 percent tax bracket. That benefited 1.2 million people in my State, but let's look at senior citizens.

My mom lives on a fixed income right now. She draws Social Security and her retirement. Fortunately, she has a supplemental Medicare insurance plan to help offset some of the additional cost.

But if you take an elderly couple with a $40,000 income, their tax bill is going to rise 156 percent in 2011 from $583 to $1,489. So we have helped them reduce the average cost of their prescription medication by $1,200, but we will increase their taxes by $1,400 by what the Democratic Congress intends to do by simply not doing anything.

They are going to allow these cuts which have had so much positive impact on the communities and the country expire.

Mr. SHUSTER. I think it is extremely important to point out that only in Washington, D.C. and the accounting we use here, and I know that the Democratic majority when they were the minority would say that we were cutting spending on programs when we were in the majority when actually it would go up by 2 or 3 percent instead of the 4 or 5 percent that they wanted it to, and they would say that is a cut when it is not a cut.

□ 2115

Now, they are saying that it is not going to be a tax increase because we did not vote on it, but all of us know that those of us balancing checkbooks at home and people who run small businesses, people that are trying to save money, know if the Federal Government takes an average $2,000 more out of your paycheck a year, that is a tax increase.

As I pointed out earlier, in my State of Pennsylvania, the average taxpayer will pay $3,000 more in taxes, and that is a tax increase. Whether the United States Congress votes on it or does not vote on it, if you pay $3,000 more in taxes, that is a tax increase.

This PAYGO rule, which I always thought PAYGO meant that if you are going to increase spending, you have got to find a way to fund it, and that is increase taxes or offset it by cutting spending elsewhere. Quite frankly, I do not know what PAYGO means under the Democratic majority anymore because they find loopholes and exceptions and make changes to it. So, once again, this funny accounting in Washington, DC continues to proliferate under the Democratic majority.

I think it is important that, as my friend from Kentucky talked about his experiences with small business, that we get Americans to e-mail us at the countdowncrew@mail.house.gov. E-mail us what you have been able to do over the past couple of years with those tax cuts, whether you are putting it back in your business and increasing your workforce or making it more efficient, selling more products by expanding markets; or if you have a family and you are able to save $2,000 or $3,000 because of the elimination of the marriage penalty or the doubling of the child tax credit, how were you able to take those dollars and employ them in

your household and your business to make your lives better.

I think that is extremely important that we hear those kinds of stories. Once again, I want to point out if you are unable to or do not want to e-mail them to the countdowncrew@mail.house.gov, send them to your Member of Congress; let them know what you were able to do with those funds.

Again, I know all across America we hear those stories. My good friend from Florida and I were talking, RIC KELLER, and talked about what the seniors in Florida, how they have been able to improve their housing, invest that money in a nicer house, a bigger house, a different house because of those tax cuts.

So I know that, once again, we are joined by our colleague, the CPA, from Texas, and it is always educational to hear him talk about some of these tax issues. I think he wants to talk a little about the ATM.

I went to my accountant a month or so ago. He was talking to me about how it is catching people in this web. He said in Pennsylvania, a household where there is two teachers, they are now approaching and some of them have surpassed that level where two teachers, modest income, are getting caught up in the ATM, paying more taxes.

So, with that, I yield to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my good colleague from Pennsylvania. It is actually the A-M-T. ATM is a money machine. It is an ATM for the Federal Government.

Mr. SHUSTER. It is confusing to me because you put the card in and you get money out.

Mr. DAVIS of Kentucky. One point of order here to point out. The ATM right now is going to be the American people for the Democrat tax program. They are going to have the largest tax increase in history.

Mr. CONAWAY. There is plenty of truth in the ATM issue, but the alternative minimum tax is AMT.

Mr. SHUSTER. I apologize. Like I said, it is confusing to me because they just keep on take, take, take just like the cash machine at the banks.

Mr. CONAWAY. That is exactly right. I thank my colleague.

The Internal Revenue Code, 1986, as amended, is incredibly complicated, as we have already talked about. If you look at most of the provisions in there, many of the provisions in there, they have a history. They have a reason for being. We are trying to manipulate our economy. We are trying to manipulate conduct. We are trying to do something, manage something. If you look at the alternative minimum tax, there is actually a story there. There is a history there.

Back in the late 1960s, Congress discovered that there were 155, no commas, 155 taxpayers who made more than $200,000 in 1966, but they did not pay any taxes. So, in an attempt to get at those deadbeats making all that money, and now in all likelihood those folks hired folks who will say this argument, I have talked about that, but nevertheless in an attempt to get at 155 taxpayers, Congress created what is now known as the alternative minimum tax. In other words, Congress was offended that you could have people so structure their compliance with the tax code in existence at that point in time that they did not owe any tax. So they set in place an alternative minimum tax which started with your taxable income and then it added back certain preferences that folks, quote, unquote, took advantage of so that everybody paid some taxes. There is some value in that.

In 1969 that went into effect. Thirty-eight years later, millions, literally millions, of taxpayers are now caught up in what is known as the alternative minimum tax. Now, today's alternative minimum tax is not your daddy's alternative minimum tax. This is a separate computation. So most taxpayers who are in this wreck have to keep a regular tax set of computations and an alternative minimum tax set of computations. You have got different basis on your assets. You have got different basis in your stock if you bought a set of stock options, all kinds of things that you have to do separate under alternative minimum tax. You have got an alternative minimum tax net operating loss that is different from your net operating loss on your regular tax. So two schemes trying to get at how much money you owe the Federal Government.

Mr. SHUSTER. If I can interrupt the gentleman for a minute, if I am going to my CPA or the person who does my taxes, because she has to calculate two different sets, it costs more money to calculate your taxes.

Mr. CONAWAY. Oh, absolutely. When you turn on a television program that is going to have some adult content in it, most of them say, viewers, give you a warning that this next program may not be suitable for young children. Well, I am going to give a warning that what I am about to go through may not be suitable for young children.

This is Form 6251. Form 6251 is a 2-page form that every taxpayer who is caught up in the alternative minimum tax has to complete. Internal Revenue Service agents, when they audit you, if you have not put this form in your tax return, they will fill one out for you, thinking that maybe you screwed up and did not fill it out. It is in the instructions on how you audit taxpayers.

It is a 2-page form. There are 10 pages of instructions to Form 6251, and it is relatively mind numbing to go through these instructions. I want to just kind of walk you through the first 28 lines quickly on this form. So hang on for dear life.

It starts off: Line 1, ''If filing Schedule A (Form 1040), enter the amount from Form 1040, line 41 (minus any amount on Form 8914, line 6), and go to line 2. Otherwise, enter the amount from Form 1040, line 38 (minus any amount on Form 8914, line 6), and go to line 7.''

Mr. DAVIS of Kentucky. Our tax dollars pay for somebody to actually write this, too.

Mr. CONAWAY. ''If less than zero, enter as a negative amount.'' That is line one.

Line 2, ''Medical and dental. Enter the smaller of Schedule A (Form 1040), line 4, or 2½ percent of Form 1040, line 38.''

Line 3, ''Taxes from Schedule A (Form 1040), line 9.''

Line 4, ''Enter the home mortgage interest adjustment, if any, from line 6 of the worksheet on page 2 of the instructions.''

Line 5, ''Miscellaneous deductions from Schedule A (Form 1040), line 26.''

Line 6, ''If Form 1040, line 38, is over $150,500 (over $75,250 if married filing separately), enter the amount from line 11 of the Itemized Deductions Worksheet from page A–7 of the instructions for Schedule A (Form 1040).''

Line 7, ''Tax refund from Form 1040, line 10 or line 21.''

Line 8, ''Investment interest expense (difference between regular tax and AMT).'' Here is where we get that two scheme thing going.

Line 9, ''Depletion (difference between regular tax and AMT).''

Line 10, ''Net operating loss deduction from Form 1040, line 21. Enter as a positive amount.''

Line 11, ''Interest from specified private activity bonds exempt from the regular tax.''

Line 12, ''Qualified small business stock (7 percent of gain excluded under section 1202).''

Line 13, ''Exercise of incentive stock options (excess of AMT income over regular tax income).''

Line 14, ''Estates and trusts (amount from Schedule K–1 (Form 1041), box 12, code A).''

Line 15, ''Electing large partnerships (amount from Schedule K–1 (Form 1065–B), box 6).''

Line 16, we are halfway there, folks. ''Disposition of property (difference between AMT and regular tax gain or loss).'' Again, two separate computations.

Line 17, ''Depreciation on assets placed in service after 1986 (difference between regular tax and AMT).''

And line 18, ''Passive activities (difference between AMT and regular tax income or loss).''

Line 19, ''Loss limitations (difference between AMT and regular income tax or loss).''

Line 20, ''Circulation costs,'' that is not physical circulation. I think that is newspapers. ''(Difference between regular tax and AMT).'' Here they reverse the order. Previously it was alternative minimum tax versus regular tax.

Mr. SHUSTER. They claiming a circulation off of my brain.

Mr. CONAWAY. Line 21, ''Long-term contracts (difference between AMT and regular tax income).''

Line 22, ''Mining costs (difference between regular tax and AMT).'' They keep switching back and forth.

Line 23, ''Research and experimental costs (difference between regular tax and AMT).''

Line 24, ''Income from certain installment sales before January 1, 1987.'' Glad you are keeping up with that.

Line 25, ''Intangible drilling costs preference.''

Line 26, ''Other adjustments,'' you have always got to have other, ''including income-based related adjustments.''

Line 27, ''Alternative tax net operating loss deduction.''

And finally, line 28, you get to ''Alternative minimum taxable income.'' And there are some instructions, though. ''Combine lines 1 through 27. (If married filing and line 28 is more than $200,100, see page 7 of the instructions).''

That is just Part I. We will save Part II and III for a future date to work you through that.

Mr. SHUSTER. I do not know if I can take it. You have just made the case on why we need to scrap this tax code and start with something new. I do not know.

Mr. CONAWAY. This is the alternative. The regular tax code is much simpler. It is straightforward.

Mr. DAVIS of Kentucky. I think the one thing that gets lost in all this, too, I remember when I was young and I did a little work on the side when I was first in the aerospace industry and I thought it was so great to make a little bit of extra money basically to pay for Christmas, and when I went in to do my taxes the following spring, I found out that at the very low-income level I was at, because it was independent contractor work, that heralded the alternative minimum tax and almost made it not worthwhile to have expended the many hours that I did on the project.

I think what gets lost, what Mike was reading here, I still am marvelling that our tax dollars paid to create such a behemoth, that we were investing in something like that, which gave me a headache just listening to it. Although I could see the goose bumps there.

But other than being a job creation program for accountants, most of whom do not like the complexity of many of these rules because of what it does to their clients, I think we need to look at a more human side of the impact that regressive taxes have. By reducing taxes, by allowing people to keep more of their own money, it created jobs, over 7 million jobs. It has kept our money local.

I think that one of the things I would like to point to for folks here who are watching the Countdown Crew, and you can contact us at countdowncrew@mail.house.gov, we want to create taxpayers, not raise taxes. By creating taxpayers, there will be more revenues that go for all of our communities.

But at the local level, oftentimes the question comes up and I hear it from children a lot in the schools who go around talking with my own kids, Daddy, where do the police come from, where do the school teachers come from, where does the library come from. Ultimately, that comes from our local communities, from taxes. It is property taxes in the vast majority of our taxes that pay for our schools.

My oldest daughter is about to graduate from college soon, and she is going to become a schoolteacher and getting ready to move out into the economy and very excited on the one hand, but also concerned about the tax structure that is going to be facing her and the incentives to advance her education, the burdens that are going to be placed upon her just from what she has seen in the workforce. The quality of our schools is largely funded by local jobs in our communities that pay those property taxes, people who can buy homes, and if you do not have a job, it becomes very difficult to make that investment in a home.

If we do not have small business owners creating jobs, we are not going to have those local taxes to be able to make the investments that are necessary in public safety, in public works, that keeps the water running in our house, that keeps the electricity moving, that keeps our roads paved and being able to expand and ultimately to be able to invest in quality of life in our communities.

□ 2130

This is one of the reasons we have this 1,335-day countdown to the largest tax increase in history, that the American people need to know that when they can keep more of their own money, there are results. I don't want to see the average Kentucky family have an unnecessary tax increase of $2,563. We will find the benefit, not in complex tax documents like that, but simply by allowing people to keep their money to invest in the future to follow their vision and ultimately to build that nest egg for their children.

Mr. SHUSTER. I am getting ready to close. The gentleman from Texas seemed pretty worked up about getting something out. Do you have something else you want to get out here?

Mr. CONAWAY. The IRS on some of the forms gives an estimate of how much time they think it takes taxpayers to comply with a particular form. I was looking through the instructions real quickly to see if they had this made that estimate.

Mr. SHUSTER. I have the time estimate, if you are filling out your own taxes it's anywhere from 8 hours to 27 hours, if you did it yourself, which is a considerable amount of time for an individual.

Mr. DAVIS of Kentucky. I think it was 6.4 billion hours were taken this year.

Mr. SHUSTER. Right, $265 billion.

In closing, I just wanted to point out, as the gentleman mentioned, the importance of keeping your own money, being able to invest it, being able to save it. I think a lot of times Americans feel helpless, hopeless over this tax situation.

You get that paycheck, and as my 18-year-old daughter just got a paycheck, came home, showed it to me and said, why did they take so much out? I said, well the good news for you is they are going to give you most of most of it back, because you're not going to make the minimum.

But as I said, Americans feel helpless or hopeless in a tax situation, but they're not. Americans really have to pay attention to what's going on here in Washington. As we said tonight send us your stories at CountdownCrew@mail.house.gov or send them to your Member of Congress and tell them what you have been able to accomplish with those dollars that you get to keep in your pocket because they are not coming to Washington.

Make sure you are talking to your Member of Congress, communicating with him, telling them that you don't want to see taxes go up. You don't want to see the largest tax increase in American history. You want them to keep their tax rates low. Although many Americans are looking at those tax rates today, think they are high, they are lower than they were 4, 5, 6, 7, 8, 10 years ago.

This Congress has to act. This Congress has to act before all those tax cuts expire by December 31, 2010, and the gentleman is signaling me. We want to make sure that the American people are communicating to their Members of Congress that they want us to stop this tax increase that's going to occur, a tax increase that the Democratic majority is saying, they are not going to increase taxes because they are not going to vote on it, which is just hogwash. The taxes are going to go up for individuals across this country, businesses across this country, if this Congress fails to act in just 1,335 days.

HEALTH CARE IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. My colleagues filled the last hour with discussion of what is sublimely intuitive to the most casual of observers of the American scene, the IRS code.

Now we are going to go to something a little more complex and that's health care in the United States.

The question I get asked a lot of times, because I spent my precongressional career as a physician, how did we get into this situation? How did we get the health care system that we have today? More importantly, where are we going within our current system?

We currently have a system that is based upon both the aspects of the public-provided system, the government-

provided system and the private system. We have a system that does have a significant number of individuals who lack coverage. They may not always lack medical care, but they do lack coverage for that care. Some of the things we are going to be, of necessity, focusing on this in Congress is the reauthorization of the State Children's Health Insurance Program. We will also be talking about reauthorizing the Federally qualified Federal health center program.

Health savings accounts have actually been around now for 10 years. It's appropriate to look back on where we have been with, first, medical savings accounts and then the expansion that occurred with the Medicare modernization act in 2003 with health savings accounts. Association health plans are not getting as much attention this year as they have in past years, but they are important, and we do need to think about those in the overall picture of where we are going with America's health care.

Medical liability reform, probably one of the more contentious things that we have tackled in Congress since I came here in 2002 he 2003. We still, as far as a Nation, do not have an answer for that question, but several States have done things, including my home State of Texas, and also that is one of the things that I want to touch on tonight.

One thing that does concern me greatly is the physician workforce today and the physician workforce of the future. I will be spending considerable time talking about things that we might do, the things that are within our grasp to do to help ensure that the doctors of today continue to deliver care for our patients, whether they be in the government sector, or the private sector, and ensure that we encourage the best and brightest among our young people to go into, to look at health care as a profession, whether it be as a physician, as a nurse, and one of the ancillary health services, but it is important that we attract our best and our brightest into those professions and perhaps a look at some of the things that are being tried in some of the States.

The States, of course, are the great laboratories in our democracy. There are some interesting occurrences that are going on in some States that are trying to grapple with the problem of coverage for individuals who lack it; and then, finally, some ancillary issues. We recently passed a trauma bill on this House. Last weekend, the President signed that bill into law.

Transparency, how do we make the expenditures in health care. How do we make information about cost, price and quality, how do we make that information available in an understandable format to the average consumer of health care in this country, whether they be in the private or the public sector.

One of the things that we don't really talk about that often, but is going to be a significant issue, as more and more people my age get successively older and older, is how do we deal with the problem of long-term care facing this country? Well, let's go on a journey. Let's talk about the American health care system.

For the purposes of this discussion, we don't have time to go all the way back to the beginning when our country was founded, though it is important to always note that while the forebearers of today's legal profession were drafting documents like the Declaration of Independence and the Constitution, the forebearers of my profession, Dr. Benjamin Rush, was treating people with leeches. We have come a great distance since that time.

But if you look at just the modern era, the time since the end of the Second World War, when truly some of the big differences that developed between European countries and America, some of those differences, in fact, have their roots in the Second World War. In America, of course, in order to prevent problems with an inflationary spiral that threatened to go out of control, President Roosevelt put price controls on wages and said people could only earn so much.

Well, employers wanted to keep employees working, they wanted to keep employees happy. They asked a question, could we provide benefits to our employees. Can we provide, perhaps, health insurance or health care benefits for our employees and not have that as part of the Federal price controls that were in effect, or Federal wage controls that were in effect at that time?

The Supreme Court looked at it and said, that's reasonable. You can do that. You can provide the health care benefit for your employee, and you will not be violating the provisions of the wage control provisions that were enacted in the Second World War.

Well, the system was working, and the war ended, and the system continued. Because, in fact, it was working well, and people liked getting their insurance that way.

It continued for a number of years. If you look at a country in the European theater, the Second World War, whether they were winners or losers at the end of the war, they faced a humanitarian crisis of almost unbelievable proportion. So it is no surprise that even a country that was victorious, like Great Britain, went down the road of national health insurance, because it needed to provide a great deal of care in a very short period of time, and they didn't have the bedrock of the employer-derived health insurance that was available in this country as a result of wage controls that were put on during the war.

We are often compared with Europe and why our health care system looks different from theirs, when both, after all, are modern western nations. Part of the reason does go back to this discrepancy that occurred during the war, and then, of course, the situation, the economic situation, in some cases, a very dire economic situation that occurred on the ground in Europe as the war ended.

It's not the purpose of this discussion tonight to actually provide a compare and contrast with the European system, though that might be interesting to do, but take where we were at the end of the Second World War, the beginning of the great economic expansion that characterized the post-war years in this country, insurance being provided by employers, employees very happy with that, employees having good coverage, doctors being happy with that, because that coverage meant that hospitals and doctors were reimbursed, and the situation was going along, some problems, of course, and some people in this body, 20 years later, said, we need to do better than what we are doing, because after people are no longer employed, and they, perhaps, lose that health insurance, what are we going to do then?

Twenty years after the end of the Second World War, in 1965, we had the rise of a new system, took probably 4 to 5 years for it to actually work its way through Congress. It was, just like today, a situation like this, was by no means easy. In 1965, President Lyndon Johnson signed into law the Medicare bill that primarily focused on hospital care for the elderly in addition to the hospital care. In addition to the part A of Medicare, there was also developed a part B of Medicare that was a reimbursement for physician-necessitated services. But we had the parts A and B of Medicare that came into being in the mid-1960s, another 40 years before Congress made a significant change to the Medicare system by passing the Medicare prescription drug act.

Now, my father was a physician back in 1965, and I used to tease him that in 1965, when the Medicare system was first enacted, there were, after all, only two medicines, penicillin and Cortizone, and they were used interchangeably. I know, he didn't think it was funny either, but the fact is, we didn't have nearly the tools at hand from a pharmaceutical perspective in 1965. Then fast forward to 2005, 2006 and 2007, ones that are just part of our everyday parlance, our everyday armamentarium in medical practice.

We saw this with the trustees' report that was just released last week or the week before, where it was described that 680,000 hospital beds in 2005 were not filled in Medicare, primarily because of the things we are doing better in Medicare, treating that cholesterol at an early stage with a statin and not treating it at the end stage when cardiac surgery or, in fact, sudden death may be the outcome of undiagnosed or untreated heart disease. So we are doing a better job of treating things early at the same time. It does cost more money in the provision of the Medicare prescription drug act.

There was a great deal of discussion during the time that we passed that

prescription plan, but it kind of sets the stage for the debate that we are going to now have, and going to continue today. Is it better to treat things in the preclinical stage, is it better to treat things in the nonacute stage, or is it better to wait and target your therapy toward the end process of a disease, which, characteristically, is how we handled things in Medicare previously.

But the impetus is, of course, to be more preventive and proactive in taking care of patients. That is the direction in which medicine is going, that is the direction in which science is leading, and that is the direction in which Medicare itself should go.

So I don't think there is any question about which is better, the, the acute-care model, or the long-term model. Furthermore, we will have additional discussion, should this expand the government share of the program, or is there perhaps some room for the private sector, and can they deliver value within the Medicare system as far as providing care for patients?

□ 2145

When I talk about the public and private, let's break it down a little bit. Currently just in rough numbers the government pays about 50 cents out of every health care dollar that is spent in this country. Our gross domestic product is approximately $11 trillion; we spend $1.4 trillion on health care. The Health and Human Service budget alone for Medicare and Medicaid is over $600 billion. Add to that the money that is spent in the Federal prison systems, the VA health system, the Indian health system, all of the other areas where the Federal Government is involved in health care, and it is not difficult to see that you are very close to that number which encompasses 50 percent.

The other 50 percent is certainly not all just simply commercial insurance, though commercial insurance makes up a large portion of that. There is certainly that portion which is self-funded by patients. Believe it or not, there are patients who just simply prefer to pay their bills in cash and continue to do so, and there is a significant number of dollars that are just contributed to the system by doctors and hospitals and nurses and ancillary health care providers because the individuals whom they are taking care of have no health coverage.

In the debate of how to best expand and give people more coverage, you certainly can make the argument for expanding the government system. My personal opinion is that might not be the best way to go about doing things. On the other hand, there are many people within this body who, Mr. Speaker, will be talking at great length, I suspect, over the 18 months leading up to the next election, a great many people in this body who will be talking about just that, expanding the government's role. Again, remember, we are already doing about 50 percent, and they will be looking to expand that.

One of the critical questions we have to ask ourselves in expanding that 50 percent is, are we doing a good job from the government's perspective with the 50 percent that we have now? Are we doing such a superlative job that in fact it is a good thing to push out or crowd out the private sector? Or, are there some areas where the government system perhaps could improve, and some areas that perhaps it is just innately difficult for a large governmental system to improve and where the private sector can in fact do a better job?

One of the things that is frequently asked, and I know I got this the years I was in private practice was, why don't we just do what they did in Canada where they have a national health insurance in Canada and everybody is happy, the doctors are paid and the patients are taken care of? Well, it was probably 2004, 2005 that the Canadian Supreme Court came out with a ruling that access to a waiting list did not equal the same thing as access to care. And I know I will get some criticism about this, Mr. Speaker, but one of the secrets of the Canadian system is the fact that they have on their southern border the United States of America with a significant amount of excess capacity in our health care system; and patients in Canada who can afford to pay, who do not want to wait, simply offload their burden from the Canadian system and come south of the border to have their problems taken care of in a more timely fashion.

In the British National Health Service, of course they have developed within their country a two-tiered system. Some of the most expensive medical care that you can buy today is in the country of Great Britain where they very famously have free care. The reason you can buy private care more expensively is because, again, people want to buy their way out of a waiting list or buy their way out of the public system so that they can get taken care of in a more timely fashion.

One of the problems with a very long waiting list for things like an artificial hip or even coronary angiography for someone who is being worked up for chest pain is you reach a certain point in life, perhaps a person in their 70s or 80s where that 6-month wait, 12-month wait, 14-month wait or longer becomes very detrimental to their overall health because they just simply do not have that many years left from an actuarial perspective.

Well, what about the private sector, and what about Congress' interface with the private sector? Are we doing things that are generally helpful or hurtful to the private sector? And what can we do to promote policies that do keep the private sector engaged in providing health care in this country?

I already alluded to medical savings accounts. Medical savings accounts started with the Kennedy/Castlebaum bill in 1996. The year 1997 was the first year that a medical savings account was available in this country. I know that because I purchased one myself. I was concerned when I heard about the medical savings accounts becoming available because Congress had restricted medical savings accounts such that no more than 750,000 would be sold, no more than 750,000 would be available during those early years of medical savings accounts, and I was very concerned that I would be even able to get one. I thought that they would be so popular that that 750,000 limit would be very quickly subscribed and I might be left out of the process. It turns out I didn't need to worry, because there were so many restrictions placed on those old medical savings accounts that if you didn't have that M.D. degree, perhaps you weren't going to be capable of dealing with all of the things that you would have to deal with. In my home State of Texas, the restrictions were such that there were only two insurers that provided the medical savings account products. Still, I found it to be a very useful type insurance.

First and foremost, it left me completely in charge of any medical decisions to be made for myself and my family. I didn't have to talk to an HMO director, I didn't have to dial 1–800–California and get permission for a particular treatment. I could spend my own money and reimburse myself out of that medical savings account.

The downside was you couldn't put very much money away each year in the medical savings account and the deductibles were significant, and that was seen to be a significant barrier to a lot of people with getting a medical savings account.

In 2003, the compromise that ended up being the Medicare Modernization Act did significantly expand what are now called health savings accounts. The amount of money that can be put away for a family greatly increased from, I believe, $3,200 to up to $5,000 for family coverage. The deductible itself was essentially maintained, though there were several tiered products made available so that that deductible didn't have to be as high as the highest number. You could in fact purchase an HSA product with a deductible that wasn't at the maximum.

One of the most significant things, and the reason I know this is having tried to purchase a health care policy for an adult child back before even medical savings accounts came along in 1994 and 1995, there was almost no one out there willing to sell in the individual market an individual insurance policy. Whether it be a high deductible or a nominal deductible, it just wasn't available for any price.

Fast forward to the time after the health savings account legislation passed in 2003. Come to 2004, 2005, 10 years later, and a young person who needs health insurance just out of college, say, wants to go into business for

themselves, doesn't want to have to work for a big corporation to get that employer-sponsored health insurance but wants to carry their own insurance, they can go to Google or the search engine of their choice, type in ''health savings accounts,'' and with a few clicks and a quick search they can find high deductible PPO policies sold by reputable names that we would all recognize. And of course I won't mention any of those names, but they are sold by reputable companies that we would all recognize as longstanding established insurers in this country, and the premium would be in the range of $60 to $65 a month for a high deductible policy, imminently within reach of that 25-year-old nonsmoking male just out of college in my home State of Texas. Again, that type of policy was absolutely unavailable in 1994 for any price, and now it is available at a price that arguably would be affordable by a lot of people who are just getting out of college and have their earnings at the beginning of their earning cycle.

And why is this important? Yes, it is a high deductible policy. That means, if you need a flu shot, you are probably not going to be able to show your insurance card and get a flu shot; you are going to go down to the place that gives flu shots and pay the $20 or $25, whatever is required to get the flu shot. If you have money accumulated in your health savings account, yes, you can make a draw on that money to reimburse yourself for that flu shot. But if you are even to the point where you haven't gotten enough of a savings into that account yet to go and tap into that money, you are going to have to pay that money out of pocket, the important thing is, is that after your flu shot you get on your motorcycle and ride home and have an accident and spend a day in the emergency room and 3 or 4 days in the intensive care unit and face a bill that may be as much as $10,000 or $15,000 or $20,000, you do have coverage for those catastrophic amounts. And, let's face it, for young people today, trauma or accidents are going to be one of the principle causes of hospitalization.

Association health plans, again, a concept that we have dealt with in this Congress the last two Congresses. It has not come up this year and the reality is it may not. But this gives small businesses the ability to band together to get that purchasing power of a large corporation. One of the hard things is you go out to buy group coverage for your small business, and they say, you know what, you have got so few employees that it is really not worth our time and the cost for that coverage is, consequently, going to be astronomical. But if you are able to combine with, say, your chamber of commerce and you can combine with a chamber of commerce across in the next county, you can combine with a couple more chambers of commerce in other cities and perhaps even across State lines, suddenly you are accumulating enough covered lives to really get that insurance company's attention and perhaps drive a better bargain, perhaps get a better deal.

Right now, we won't let that happen. But the fact is that Congress should get out of the way and allow those things to occur, because it is not so much that association health plans are going to bring down the number of the uninsured, but it sure will help the rate of rise of the uninsured we see in this country, because that rate of rise is in a large part fueled by the cost of purchasing health care by that small business person; and anything we can do to keep that cost of coverage down is going to ultimately increase the amount of coverage that is available.

Transparency, I mentioned before, is critically important if we are going to have so-called consumer directed health care in this country. We have got to put that information in the consumer's hands so that they can make decisions about cost price and quality in the health care system. And I understand that there is an inherent danger in transparency. Opacity is there for a reason, and that reason is generally it is financially rewarding for whoever is providing the opacity. They don't want everybody to know what goes on behind the curtain.

Again, I will reference my home State of Texas. The very beginning of a transparency project has now gone up on line. Mr. Speaker, if anyone at home were interested, it is tx.pricepoint.org, and someone can go to that, Mr. Speaker, on their Web site and look at that and get information about hospital charges in their area and how they compare with the rest of the State. Granted, there is going to need to be more information available, but it is a good start, and I certainly support the folks at the State level who provided that degree of price transparency for the citizens of Texas.

In talking about the uninsured, one of the things that will come up, and I think we heard the President mention it here in this House during the State of the Union address, is what about the concept of that private ownership of insurance that is paid for with after-tax dollars? The President talked about giving people a tax deduction if they purchased their own insurance, not through their employer, but just went out and purchased it themselves. Certainly a valid argument that can be made about that is, well, there are a lot of people out there who don't pay income tax. So what about the concept of providing a tax credit? Some people would call it a voucher; I prefer the term premium support. If someone is working and their employer is providing the option for having the insurance but they say, you know with what, I still can't afford the $200, $300, or $400 a month I would have to pay individually in order to get that insurance; what if we provided them some help with that premium? And might that not be a better way to approach or to tackle some of the problems of the uninsured rather than just simply ever expanding the Medicaid system or some of the other systems that are out there to cover the uninsured? If someone is earning a living but does not have health insurance available at their place of employment, even providing them that premium support so that they can go out and purchase insurance in the private market. If we would help create and sustain that market, I believe that the private insurers would look at 42 million, 45 million people as a segment of market share that they would compete for, and we ought to give them the tools to do that.

Now, currently the United States Census Bureau says there are 46.6 million uninsured.

□ 2200

I think it's important to stress, once again, that uninsured does not always mean no access to health care. It may mean that the access to health care does not occur at the point where the health care can be rendered for a lower total dollar figure, or you may not receive the best health care outcome because care has been delayed. But having access to coverage will increase access to care.

One of the things that this Congress did 10 years ago, long before I got here, was a program called the State Children's Health Insurance Program. It's 10 years old. It's going to be required to be reauthorized this year. But this did provide States some flexibility and some options for providing coverage for uninsured children that resided within their State.

This was primarily to be directed to children who were not eligible for Medicaid, whose parents earned a little bit too much money to have them covered under the Medicaid system and therefore couldn't, but they, themselves, did not earn enough money to truly afford health insurance. So this was a good thing.

Coverage of children is relatively cheap coverage. You pay $0.60 for what would be $1 of health care for an adult. You can pay $0.60, buy $0.60 worth of health insurance for a child and get the equivalent of $1 worth of insurance for an adult because children, as a general rule, are young and healthy. They tend to recover from their illnesses quicker than do adults, and money invested in the children's program is, indeed, money well spent and money wisely invested.

Some of the things that I think we ought to keep in mind as we reauthorize this bill this year, and we will be doing that through my committee, Health Subcommittee on Energy and Commerce, but some of the things I think we ought to keep in mind is that it is primarily a children's health insurance program.

The decision was made to cover pregnant adults, and I think that that was a good thing, and that should be continued. But covering non pregnant

adults in the Children's Health Insurance Program is perhaps not the best use of those dollars.

If there needs to be a program for providing additional coverage to those adults, then let's look at doing so, but let's not divert those dollars that should be going into coverage for health care for children; let's not divert those to some other purpose. And unfortunately, we have the situation in this country today where four States actually cover more adults than they do children.

Again, we need to get back to the original principle that this program was enacted, and make sure, once we're covering all the children, once we're covering all the uninsured children in this country, then perhaps we can talk about expanding it to include adults. But until that time, we do need to focus and make certain that we are covering the uninsured children.

You know, a letter to the editor back home in Dallas this weekend I was reading made the comment that, of course, SCHIP, and they were talking about it primarily at the State level. And the State, my State Legislature is in session right now, and they are grappling with the questions of funding for SCHIP.

But the comment was made in the letter that the SCHIP program was there for some parents who cannot afford insurance; and sure enough, that's what it's there for.

And the second line went on to say that also there are some parents who are working and covered under their parents' insurance, but they can't afford that additional premium for the dependent coverage on their insurance.

This is some of the cheapest coverage out there that we should take advantage of. And certainly, it is available within the SCHIP program currently for some degree of premium support. But I certainly think we need to expand that, certainly, make states aware that this is available for them to use, that they can leverage those children's health insurance dollars to buy more health insurance.

And the other thing that we do that's extremely important, if the Federal Government simply takes over the function of providing all of the insurance for all of the children, the private sector is completely crowded out. And is that fundamentally a good thing or a bad thing?

I would argue that it is not in the best interest of our country to let that happen, that the private sector does belong in the children's health insurance market. And we should, while we may not be required to do anything to particularly subsidize that, we certainly should not do anything that makes that an untenable business model because, ultimately, I think we are going to be less satisfied with the result.

Federally qualified health centers. We are going to have to, we didn't finish the work on reauthorization of the federally qualified health center statute last session of Congress. It is going to be important to try to do that again. Once again, that's an issue that will come through my committee on Energy and Commerce. We had some very good hearings on that last year, leading up to the introduction of the bill by Mr. BILIRAKIS, who is no longer with us. And that bill will come up again this year.

I think that when you look at the federally qualified health center, one of the things that is really encouraging to me is that a Congress, and I grant you it was 35 or 40 years ago, sat down and agreed amongst themselves, the Members on both sides of the aisle, agreed what procedures, what items would be covered under that federally qualified health center statute.

And to me, that's a beacon of hope, that perhaps we can work, this body can work together and decide on what are the things that should be covered; if we wanted to have an insurance policy, for example, that was generally available for individuals who were currently uninsured.

What are the parameters that should be covered? What should we encourage?

If we are going to go talk to the private sector about insurance policies that may be affordable by the Nation's working poor, what should those things cover, and can we ever come to an agreement that will allow those types of policies to be sold in one State or another, and what could we do about getting those policies up and on the Internet to take advantage of the competitive influences that are present on the Internet?

You know, one of the things, again, I reference Texas a lot because I spend a lot of time there. But one of the Nation's largest automobile insurers has really made a big push in the Texas market. They're famous because they have a little green lizard who's kind of their spokesman, the little green lizard with an English accent, in fact, who's kind of their spokesman.

But the message is that if you can go online and spend 15 minutes with them, they can save you some money. Wouldn't it be great to provide that same tool, that same device in the health insurance market as well and get the advantage of that, that very strong competitive market out there that has been provided by the new technology of the information superhighway?

It's certainly had a very significant beneficial effect on bringing down the costs of term life insurance. And we saw this back in the late 1990s, the early part of this century. Why not take that same competitive power and unleash it for health insurance and allow more people to be covered?

I referenced health savings accounts before. Again, you can go on the Internet and buy a health savings account now that's available because some of the state-by-state restrictions do not apply because of the way that legislation was written. And this is an extremely powerful tool to put into people's hands.

One of the disadvantages, one of the ways we disadvantage our citizens when it comes to purchasing a policy like a health savings account is that it is paid for with after tax dollars. You don't get that pre-tax expenditure.

We could, in fact, further leverage the health insurance, how far a health insurance dollar could go in a family's budget by tapping into that concept of a pre-tax expense.

But some of the things we have done with health savings accounts, and again, I would stress that since we passed the Medicare Modernization Act a scant 4 years ago, between 4 and 7 million people have now purchased health savings accounts.

I referenced early on that first off, back in the early 1990s or, I'm sorry, the middle 1990s, it was going to be capped at 750,000 total policies. That cap was removed with the Medicare Modernization Act, and as a consequence now, at least 4 million people have purchased health savings accounts. Forty percent of those people were previously uninsured. That means that number of the uninsured would be higher by a factor of a million or a million and a half had we not passed that legislation that expanded health savings accounts.

Making those premiums tax deductible, that is something that, an idea whose time has come, has long since come. We weren't able to do it during the last Congress. I know there are a number of competing influences out there, and we heard references to things like PAYGO before, so it is going to be a tough battle. But I do believe that we need to do that.

The low income tax credit, or the premium support for an HSA like product for someone whose low income, again, an idea, certainly whose time has come.

Maybe we should allow employers to make larger contributions to an HSA for a chronically ill employee, an employee who has diabetes or rheumatoid arthritis or any of other of a number of chronic diseases where, yeah, their health expenditures are going to be higher because they were unlucky enough to have this chronic disease, so their health insurance may cost a little bit more. But let's allow the employer the flexibility of perhaps contributing a little bit more to that plan.

What about allowing the flexibility for health savings accounts to coordinate with other type of things that employers do to make the health care insurance burden for their employees easier to bear?

□ 2210

Things like flexible spending accounts. A flexible spending account where an employer contributes a certain amount of money each year so that their employee can go out and have some of the first dollar coverage that they otherwise might not have,

because even if they don't have a health savings account, just the regular deductible on regular commercial insurance, anyone who works and has employer-derived insurance will tell you that number has increased over the past 5 or 10 years. So flexible spending accounts are moneys that the employer puts away for the employee to help to use to offset some of these expenses that may be incurred.

If we allowed someone with a health savings account to participate in a flexible spending account and even went further; for a flexible spending account, at the end of the calendar year, it is a use it or lose it phenomenon. If the employer has contributed that money or the employee has said, I want to put away a tax-deferred amount of money into this account so that I can spend it for health care needs and try to capture a little bit of that pretax leveragability there, they lose that money at the end of the year if they haven't spent it on their health care.

Why don't we let that roll over into their health savings account and let that health care nest egg accumulate at a little bit faster rate so that those citizens who do wish to utilize the power of a health savings account can perhaps make it work even more to their advantage?

And what if someone wants to retire early and they have got that health care nest egg built up in their health savings account but now they are going into early retirement, and doggone it, that insurance premium is going to be an additional burden to bear? What about allowing them to draw on the health savings account to pay their premium to continue their health savings account in those years from their early retirement prior to the time that they are covered by Medicare? It is an interesting concept and one I think this Congress would do well to spend some time thinking about doing.

I will come back again to the pretax treatment of health care expenditures incurred under an HSA. Again, we can leverage a citizen's dollars so much more by allowing that type of treatment of those dollars.

Again, association health plans for employers who want to provide their employees insurance but find they are being increasingly priced out of the market. Give them the flexibility to go out there and group together and say, We are a group of realtors and we want to be able to go out and buy health insurance in the market like we had a whole bunch of employees rather than an office that employs five or six people because we are not getting a good deal when we just go out and try to buy insurance in the market to cover five or six employees at a time.

All of these things are critical for us to think about. All of these things are ways that we can improve the system that we have before us today. But we do have to ask ourselves if we are perhaps putting the cart before the horse.

Alan Greenspan, the gentleman's name who is not unknown in this town, the prior Chairman of the Federal Reserve Board, about 1½ years ago came and talked to a group of us one morning, talking about just things in general, and the question inevitably came up about Medicare: How in the world are we ever going to pay for Medicare? How in the world are we ever going to tackle this unfunded obligation that we have?

And Chairman Greenspan felt confident that at some point some Congress would be able to deal with this problem in a satisfactory way. And he paused and he got quite reflective, and he said, You know, what concerns me more is, is there going to be anyone there to provide the services when you need them? Of course he was talking about our physicians. Of course he was talking about our nurses.

Those are words that certainly I have taken to heart. And I think we do need to spend considerable effort on thinking about this problem and considerable effort towards rectifying some of the difficulties that are out there so that we do, indeed, preserve the health care workforce that is present today and the health care workforce that we are going to want for the future.

Last year, in order to deal with this problem, I introduced a bill, H.R. 5866, the Medicare Physician Payment Reform and Quality Improvement Act of 2006. I introduced that bill in July. Of course, with the August recess and then the recess before the election, there wasn't a lot of time left in the year to work on it. The reason it was so important is because the system we have developed in our Medicare system, parts A, B, C, and D are not paid for equally. The fact is that part B, the part that is handled by physicians, is dealt with in a different fashion. Part A, the hospital; part C, the HMO; part D, the prescription drug benefit, all of those each year receive essentially a cost-of-living adjustment, an update, because the cost of inputs is going to go up.

The physician payment, this is an important concept. I realize it may sound arcane, but the physician payment is handled differently. There Congress, in its wisdom many, many years ago, said if we can control the volume and intensity of these payments, we are going to be able to save money over the long term. So a system was put in place called the Sustainable Growth Rate formula. You will hear it referred to as the SGR. The problem with the SGR is that every year physicians, instead of getting a cost-of-living update based on the fact that their electricity costs more, it costs more to put gas in their car to drive to work, it costs more to pay their help, all of those things go up, but the physician reimbursements go down. An estimated 5 percent a year, and this is projected to go up for years in the future so that the accumulative effect will be a 30 to 35 percent reduction in physician reimbursement in the Medicare system. And anyone just looking at this understands that that is untenable. You can't keep doing that. Every year Congress has to come in at the last minute and do something to keep that from happening for that year. Sometimes we get it done; sometimes we don't. But the problem is every year that we put that fix in place, we increase the price tag for eventually getting out of that system.

A case in point: I first came to Congress in 2003. In fact, the Congress before my first term here had not passed any appropriations bills. So the first thing we were faced with was a huge omnibus bill, spending hundreds of billions of dollars. That omnibus bill contained within it a fix for the doctors. And I remember the then chairman of the Ways and Means Committee coming to our conference and saying, I have put a fix in there so that the doctors won't see that pay cut that they got last year, and it is going to cost $52 billion to do that. At that time the cost of buying our way out of the SGR formula and switching over to a cost-of-living formula, a cost-of-living adjustment formula, known as the Medicare economic index, was pegged at about $118 billion, a significant sum of money. But $52 billion as a down payment on a $118 billion problem, that seemed reasonable. It seemed like we were going in the right direction.

But fast forward 4 years, and every year, of course, we have done something similar, never quite as much as the $52 billion that was passed that first month that I was in Congress, but every year that at the end of the year where we have had to add that money to keep physicians from seeing a pay reduction, we have increased the cost of eventually repealing the SGR so that it now totals $280 billion.

But wait. There is more. If you do not protect seniors, because by law in part B of Medicare, seniors pay 25 percent of the cost of the part B program, which 75 percent is borne by the Federal Treasury; 25 percent is recovered in premiums, and every time we increase that amount, the premiums necessarily increase. No one likes to do that because those premium increases by law hit in the month of October and that is very close to an every 2-year election that occurs in the month of November. So everyone wants to deal with that problem of the premiums going up every year. If you were to deal with the entire problem, the SGR and premium protection for senior citizens, the costs suddenly goes up to $340 billion. It is clear to see in a PAYGO environment that that is almost an impossible hill to climb.

Last year in the Physician Payment Reform and Quality Improvement Act of 2006, in attempting to deal with that, I looked for help within the health care community, people to find places where there could be efficiencies to help offset that SGR price tag that at that time was $218 billion.

□ 2220

Suffice it to say that those cost savings were never identified. People were reluctant to come forth with areas in their particular part of Medicare where they might save money. And as a consequence, the pay-fors did not materialize, and the bill was something we didn't take up.

This year, it's not even just about fixing that part of the formula. It is important to do that because one of the pernicious effects of that formula is you have doctors who are looking toward their retirement and perhaps thinking about accelerating it for a few years. So we have physicians in the workforce who may be leaving early because they look down the road and say, 5 percent reduction in the rate of Medicare reimbursement every year for the next 10 years for a cumulative total of 30 or 35 percent, I don't think so. Maybe I do need to get on with my retirement plans. And then on the other end of the spectrum you have the young physician who is just getting out of medical school, who is meeting the residency in those primary care high need specialties, they may need some additional help. And finally, the student who's finishing college and looking to go to medical school; how am I going to deal with those significant loans I'm going to face when I get out of school?

All three areas are going to require this Congress to think very carefully and work very hard on trying to craft solutions. And I would just stress that it is important not to craft a solution that is only going to fix the short term. We've really had this kicking-the-can phenomenon or postponing-the-pain phenomenon has worked only up to a point. And you have to believe that this type of trajectory does have a shelf life, and ultimately we're going to reach a point where we are in fact no longer able to afford even those relatively modest, and I use the term modest advisedly because we are talking about a Washington expenditure here, will be unable to afford even those modest payments that are required to offset the reductions that happen year over year.

And you might say, well, that's not so bad, it's just the Medicare system. That's just half of health care, how could that be that big a problem? The unstated aspect of this is that every private health insurance company out there who writes insurance policies, I shouldn't say every, but a lot, will peg their reimbursement rates to what Medicare pays. They pay 80 percent of Medicare, they pay 120 percent of Medicare, but they pay some percentage of what Medicare pays. And when we as a Congress say to the physicians of America, guess what? You get a 5.4 reduction this year. Those companies that peg their reimbursement rates to the Medicare 2007 reimbursement schedule are in fact also given a bit of a break. And they were never intended to be the recipients of the largess of the Federal Government, but that's what happens when you have Federal price controls on a system like health care.

Well, improvements in the bill from last year I think are in progress. And the fact that the entire concept is split into three parts to deal with the overall affordability of educating and providing the incentives for people to go into medicine in the first place, providing the tools for their educational process, providing some flexibility with loan forgiveness, tax credits for the young physician, and then finally, providing some stability for the physician who is mature and in practice, that they are going to face a stable pricing environment going forward, not a continuously shrinking price environment going forward.

It is going to be difficult. There again, I will reference the Medicare Trustees Report. Again, 680,000 hospital beds that were not filled in 2005 because of improvements in the practice of medicine. We've come a long way from the days of Benjamin Rush, when they used leeches to treat their patients. Those 680,000 hospital beds that weren't filled in the Medicare system, that is money that is saved in the part A part of Medicare, but the savings actually occur because of the work being done in the part B part of Medicare. And there has got to be somewhere, some way within the Federal statutes that the savings that occur in part A or part C or part D because of continued work and vigilance by the folks who are practicing in part B, there has got to be a way that those savings will accrue to part B, and use those savings as the offset for lowering that total price tag on the SGR formula.

Further, there are some places, unfortunately, where people do attempt to abuse the system and take money that perhaps they are not entirely entitled to. The Inspector General's Office at HHS and the Department of Justice held a lengthy hearing with our Energy and Commerce Subcommittee a few weeks ago; it was a terribly enlightening process. But the money that's recovered in those audits is not money that should go to the Department of Justice, though don't tell them I said that, but it's money that should go back to the part B of Medicare to offset the eventual repeal and replacement of the SGR formula with the Medicare Economic Index. And I quite simply don't know any other way how to say that.

If we are not able to get that done this year or next year or the year after, we do need to put some programs in place that will protect physicians from those cuts that are programmed to occur in 2008 and 2009. And again, that is part of the legislation that I will be working on to not only capture those monies that rightfully belong to part B to offset the eventual cost of repealing the SGR, but additional things in place to protect the earnings of the physicians who care for our Medicare patients during those years before the SGR can be repealed.

Well, I mentioned earlier that some of the States have done some things within their health plans that have been innovative and really quite exciting; Massachusetts is probably the leader in that regard. It's significant because the Governor of Massachusetts is offering himself as a Presidential candidate and is certainly one of the individuals who can say ''check the box, I've done that.'' And working with a legislature and a State senate who was of the opposite party and not always aligned with his vision of where things were and where they ought to be, was able to craft a plan. Just like so many things, we can always say it's God's plans, but the devil is in the details, and sure enough in this situation the devil is in the details. The months starting in July of this year will tell the tale as to whether or not that plan will actually work. But some very clever ideas were incorporated.

Now I will be the first to admit that as a Texan there are a lot of things that you can apply to Massachusetts that you could never apply in Texas. But one of the concepts that I thought was, you have heard me reference several occasions that wouldn't it be great to get the leverage of getting a pretax expense for someone who wanted to buy their health insurance? Well, they found a way to do that in Massachusetts, it's called the Massachusetts Connecter. And indeed, even back in my home State of Texas I know they are looking at this concept. There is apparently a chapter in the IRS code, we heard the last speaker say how complicated the IRS code can be, but buried within the IRS code is section 125, which will allow for Federal tax deductibility of insurance premiums where the State acts not so much as the broker, but the middle man, if the State acts as the person who is going to bring the buyer and seller in the insurance market together, there is apparently a way in the IRS code where there is a tax deductible treatment then of that expenditure. And think about that for persons who are in the 20 or 25 percent tax bracket. If they can buy their health insurance premiums with 80 cent dollars, suddenly we've gone a long way towards allowing them some additional flexibility within the plan.

The thing I like the best about the Massachusetts plan is it does stress the concept of personal responsibility. That is to say that if you are a resident in the State of Massachusetts and you can afford health insurance, then you've got no good reason not to have health insurance and we are going to require you to have it. Again, a concept that may not work in other States. And Governor Schwarzenegger is looking at doing something in California. I know in my home State of Texas, Governor Perry is looking at some options. Governor Jeb Bush in Florida and now Governor Crist, who

replaced him, all have the ability to look at the State programs because of flexibility that was put in the system when the Deficit Reduction Act passed in December of 2005. Again, the much maligned Deficit Reduction Act gave the tools to these State leaders so that they can look at doing these innovative plans in their States to provide coverage for their populations who are uninsured. And after all, again, one of the great things about the United States is the States can serve as laboratories. We don't necessarily have to change everything for the whole country, we can see how it works in a given State, and to the extent that it is helpful, we can expand the program.

□ 2230

If we find it wasn't helpful, we won't expand the program. But it is one of those great things that our Founding Fathers envisioned, that the States would be great laboratories for needed social change to occur in this country.

One of the other things that I didn't cover earlier because I wasn't sure if time would permit it, I do obviously need to say a word about the medical liability system in this country.

My home State of Texas, again, did tackle this issue in 2003 and did pass a State law that capped non-economic damages, much along the lines of the Medical Injury Compensation Reform Act of 1975 that was passed in California. Our State of Texas picked up that concept, modernized it for the 21st century, and those caps on non-economic damages, instead of just being one realm of non-economic damages, the cap is trifurcated, $250,000 thousand cap on the doctor, $250,000 thousand cap on the hospital, $250,000 thousand cap on the on a nursing home or second hospital, if one is involved.

The critical thing about this is it has brought insurance costs for medical liability insurance down by 20 percent in my home State of Texas, and, remember, medical liability costs were going up by 25 to 30 percent a year prior to the passage of that law.

So it has had an immediate and beneficial effect on physicians in Texas. And one of the unintended beneficiaries was the mid-sized, community-based, not-for-profit hospital who self-insured. Those hospitals have seen a significant reduction in the amount of moneys that they had to put toward medical liability, and, as a consequence, those are dollars that they are investing in capital improvements, nurses' salaries, the very things you would want your medium-sized, not-for-profit community hospital to do if they had the flexibility to do so.

I have legislation that I have drafted that bases off the Texas plan. I think it is reasonable legislation. In our budget resolution that the Republicans had, the savings, and this was scored by CBO as a savings, at a time we are looking for ways to save money in the healthcare system to pay for other things, it is almost unconscionable to walk away from that $8 to $10 billion in savings that CBO scored this particular legislation.

Mr. Speaker, I see that the hour, it goes so quickly when you get down here to talk about these things. I will wrap up.

I do want to point out that Americans, for all of the criticism that we have, there was an article in The New York Times published October 2006, Tyler Cowan, who writes, ''When it comes to medical innovation, the United States is the world leader. In the past 10 years, 12 Nobel Prizes in medicine have gone to American-born scientists working in the United States, three to foreign-born scientists working in the United States, and just seven have gone to researchers outside of the country.''

That is what we need to preserve, protect and defend. That is why these issues are so important for us to face in this Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. HOYER) for today.

Mr. ISRAEL (at the request of Mr. HOYER) for today.

Ms. KILPATRICK (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of inspecting tornado damage.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today and May 8 and 9 on account of inspecting tornado damage.

Mr. HULSHOF (at the request of Mr. BOEHNER) for today and May 8 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes, today.

Mr. POE, for 5 minutes, May 14.

Mr. MORAN of Kansas, for 5 minutes, May 8.

Mr. BURTON of Indiana, for 5 minutes, today and May 8, 9, 10, and 11.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. LEE, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 8, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1511. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-12, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1512. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 06-01, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1513. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a review of the Guided Multiple Launch Rocket System (GMLRS) program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

1514. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dell L. Dailey, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1515. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William G. Boykin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1516. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Bryan D. Brown, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

1517. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Stanley R. Szemborski, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1518. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1519. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Department's report on the management and adequacy of biometrics programs pursuant to Conference Report 109-702, that accompanies the John Warner National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

1520. A letter from the EEO Programs Director, Board of Governors of the Federal Reserve System, transmitting the third annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2006; to the Committee on Oversight and Government Reform.

1521. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

1522. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1523. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1524. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's annual report for FY 2006, summarizing data and analysis of complaints filed for the past five fiscal years and how the Department is working to fulfill the requirements of the Act; to the Committee on Oversight and Government Reform.

1525. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual No Fear Report to Congress for FY 2006, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2003, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1526. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the Administration's first Notification and Federal Employee Antidiscrimination and Retalitiation Act of 2002 annual report covering fiscal years 2002 through 2006; to the Committee on Oversight and Government Reform.

1527. A letter from the Director, Equal Employment Opportunity, National Endowment for the Humanities, transmitting the Endowment's report on incidences of discrimination, pursuant to Public Law 107-174, section 201; to the Committee on Oversight and Government Reform.

1528. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Fiscal Year 2006 annual report prepared in accorance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1529. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of the Issuance of $300,000,000 in Public Utility Subordinated Lien Revenue Bonds (Series 2007)''; to the Committee on Oversight and Government Reform.

1530. A letter from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2006, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

1531. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf Regulations-Technical Corrections (RIN: 1010-AD42) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1532. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Ohio Regulatory Program [OH-251-FOR] received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1533. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2007 Season (RIN: 1018-AU59) received April 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1534. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Missouri Regulatory Program [Docket No. MO-039-FOR] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1535. A letter from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Geothermal Royalty Payments, Direct Use Fees, and Royalty Valuation (RIN: 1010-AD32) received April 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1536. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 04011-2010-4114-02; I.D. 040407D] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1537. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Albacore Tuna Fisheries; Vessel List to Establish Eligibility to Fish for Albacore Tuna in Canadian Waters Under the U.S. Canada Albacore Tuna Treaty [Docket No. 070119012-7077-02; I.D. 031307B] (RIN: 0648-AU78) received April 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1538. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 061229343-7050-02; I.D. 121406A] (RIN: 0648-AV03) received April 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1539. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2007-2009 Specifications [Docket No. 061228342-7068-02; I.D. 122206A] (RIN: 0648-AT66) received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1540. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and ''Other Flatfish'' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 040607E] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1541. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 031507E] received April 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1542. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 070404078-7078-01; I.D. 082806B] (RIN: 0648-AV52) received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1543. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 070213033-7033-01; I.D. 040907D] received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1544. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Optional Use of Electronic Logbook Forms [Docket No. 070207026-7079-02; I.D. 012207A] (RIN: 0648-AS29) received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1545. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carribean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 040407C] received April 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1546. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Detroit River (Trenton Channel), Grosse Ile, MI [CGD09-07-004] (RIN: 1625-AA09) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1547. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Youngs Bay and Lewis and Clark River, OR. [CGD13-06-048] (RIN: 1625-AA09) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1548. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays within the Fifth Coast [CGD05-06-091] (RIN: 1625-AA00) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1549. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; St. Mary's River, St. Mary's City, MD [CGD05-07-004] (RIN: 1625-AA08) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1550. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Idaho and Montana [CBP Dec. 07-25] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS ON 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:

[Filed on May 4, 2007]

Mr. THOMPSON of Mississippi: Committee on Homeland Security, H.R. 1684. A bill to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes; with an amendment (Rept. 110–122). Referred to the Committee of the Whole House on the State of the Union.

[Filed on May 7, 2007]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 124. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 110–123). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 1294. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; with an amendment (Rept. 110–124). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1140. A bill to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes. (Rept. 110–125). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1114. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes (Rept. 110–126). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1080. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes (Rept 110–127). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 487. A bill to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes (Rept. 120–128). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1595. A bill to implement the recommendations of the Guam War Claims Review Commission, with an amendment (Rept. 110–129). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 377. Resolution providing for consideration of the bill (H.R. 1294) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (Rept. 110–130). Referred to the House Calendar.

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 2082. A bill to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 110–131). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOREN (for himself and Mr. KELLER):

H.R. 2183. A bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mrs. EMERSON):

H.R. 2184. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to expand comparative effectiveness research and to increase funding for such research to improve the value of health care; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. HASTINGS of Florida, Mr. EHLERS, Mr. CARNAHAN, Mr. HINCHEY, Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. SHAYS, Mr. MEEK of Florida, Mr. SOUDER, Ms. MCCOLLUM of Minnesota, Mr. FORTENBERRY, Mr. GONZALEZ, Mr. BERMAN, Mr. ACKERMAN, and Mr. FARR):

H.R. 2185. A bill to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H.R. 2186. A bill to provide for the conveyance of National Forest System land in the State of Louisiana; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 2187. A bill to make emergency supplemental appropriations for Katrina recovery for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. DAVIS of Illinois (for himself and Mr. JOHNSON of Illinois):

H.R. 2188. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. FATTAH, Mr. MCDERMOTT, Mr. DOGGETT, Mr. PASTOR, Mrs. MALONEY of New York, Ms. CASTOR, Mrs. CAPPS, Ms. WOOLSEY, Mr. STARK, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. PAYNE, Mr. COURTNEY, Ms. CARSON, Mr. BISHOP of New York, Ms. KILPATRICK, Mr. GRIJALVA, Mr. ELLISON, Mr. ALLEN, Mr. TOWNS, Ms. SUTTON, Mr. KENNEDY, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. TIERNEY, Ms. BORDALLO, Mr. SCOTT of Virginia, and Mrs. JONES of Ohio):

H.R. 2189. A bill to require pre- and post-deployment mental health screenings for members of the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY:

H.R. 2190. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Advisory Committee on Rural Veterans; to the Committee on Veterans' Affairs.

By Mrs. DRAKE (for herself, Mr. BURGESS, Mr. EHLERS, Mr. HAYES, Mr. MCCOTTER, Mr. TAYLOR, Mr. CALVERT, Mr. LARSEN of Washington, Mr. FORBES, and Mr. GOODLATTE):

H.R. 2191. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. HODES:

H.R. 2192. A bill to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ISRAEL (for himself and Mr. KIRK):

H.R. 2193. A bill to amend the Animal Welfare Act to increase the penalties for violations of such Act, to prohibit the use of animals for marketing medical devices, and for other purposes; to the Committee on Agriculture.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 2194. A bill to amend title 10, United States Code, to authorize an allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation; to the Committee on Armed Services.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. WALZ of Minnesota):

H.R. 2195. A bill to amend title 10, United States Code, to expand the education loan

repayment program for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. REYES (for himself, Mr. MARKEY, Mr. INSLEE, Ms. HERSETH SANDLIN, and Ms. SCHAKOWSKY):

H.R. 2196. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for disclosure to consumers of the fuels and sources of electric energy purchased from electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SPACE:

H.R. 2197. A bill to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; to the Committee on Natural Resources.

By Ms. SUTTON:

H.R. 2198. A bill to require an annual report on contract oversight by Federal departments and agencies; to the Committee on Oversight and Government Reform.

By Ms. SUTTON (for herself, Mr. CHABOT, Mrs. SCHMIDT, Mr. TURNER, Mr. JORDAN, Mr. GILLMOR, Mr. WILSON of Ohio, Mr. HOBSON, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIBERI, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, and Mr. SPACE):

H. Con. Res. 143. Concurrent resolution honoring the 50th anniversary of Stan Hywet Hall & Gardens; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, and Mr. HARE):

H. Res. 376. A resolution recognizing annually a National Classified School Employee of the Year and honoring the valuable contributions of Classified School Employees in the United States; to the Committee on Education and Labor. considered and agreed to.

By Mr. FORTUÑO (for himself and Mr. LANTOS):

H. Res. 378. A resolution honoring World Red Cross Red Crescent Day; to the Committee on Foreign Affairs.

By Mr. POE:

H. Res. 379. A resolution congratulating Nicolas Sarkozy on his election to the presidency of France; to the Committee on Foreign Affairs.

By Mr. SALI (for himself and Mr. SIMPSON):

H. Res. 380. A resolution resolution commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON introduced a resolution (H. Res. 381) referring the bill (H.R. 2124), entitled ''A bill for the relief of Adela and Darryl Bailor'', to the chief judge of the United States Court of Federal Claims for a report thereon; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. HIRONO.
H.R. 23: Mr. CARNEY.
H.R. 25: Mr. ISSA.
H.R. 67: Mr. RODRIGUEZ, Mr. HARE, Mr. HALL of New York, Mr. FATTAH, Mrs. JONES of Ohio, Mr. COHEN, and Ms. BERKLEY.
H.R. 73: Mr. PLATTS.
H.R. 135: Mr. HASTINGS of Florida.
H.R. 140: Mr. PAYNE.
H.R. 176: Ms. WATERS, Mr. HINOJOSA, Mr. GUTIERREZ, and Mr. JEFFERSON.
H.R. 180: Ms. SHEA-PORTER.
H.R. 260: Mr. PUTNAM.
H.R. 410: Mr. KAGEN.
H.R. 443: Mr. PAUL.
H.R. 445: Mr. PAUL.
H.R. 454: Ms. WASSERMAN SCHULTZ.
H.R. 503: Mr. PAYNE, Ms. WATERS, and Ms. GIFFORDS.
H.R. 507: Mr. SIMPSON, Mr. SHAYS, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Mr. LUCAS, Mr. DAVIS of Alabama, Mr. OBERSTAR, and Mr. OLVER.
H.R. 539: Mr. RAMSTAD.
H.R. 563: Mr. KELLER.
H.R. 593: Mr. PAYNE.
H.R. 618: Mr. TIM MURPHY of Pennsylvania.
H.R. 620: Mr. BLUMENAUER.
H.R. 695: Mr. BISHOP of Georgia and Mr. NEAL of Massachusetts.
H.R. 718: Mr. BOUCHER, Mr. COBLE, Mr. MATHESON, and Mr. GARRETT of New Jersey.
H.R. 722: Mr. PAYNE.
H.R. 731: Mr. ELLSWORTH.
H.R. 743: Mr. ROGERS of Michigan, Mr. FRANKS of Arizona, and Mr. WALDEN of Oregon.
H.R. 758: Mr. EDWARDS.
H.R. 823: Mr. MARKEY, Ms. LINDA T. SÁNCHEZ of California, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mr. HODES, and Mr. GRIJALVA.
H.R. 869: Mr. PORTER.
H.R. 882: Mr. WU, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. RENZI, Mr. TOWNS, Mr. RAMSTAD, Mr. LANGEVIN, Mr. JACKSON of Illinois, and Mr. PERLMUTTER.
H.R. 897: Mr. ELLSWORTH.
H.R. 916: Mr. BRALEY of Iowa and Mr. GRIJALVA.
H.R. 938: Mr. MARCHANT.
H.R. 943: Mr. PAUL and Mr. JOHNSON of Georgia.
H.R. 980: Mr. LINCOLN DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. DEFAZIO, Mr. COHEN, Mr. HASTINGS of Florida, Mr. BLUMENAUER, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 989: Mrs. MCMORRIS RODGERS, Mrs. MYRICK, and Mr. BUYER.
H.R. 1017: Mr. RUSH.
H.R. 1023: Mr. WU, Mr. SHULER, Mr. BISHOP of New York, Mr. SIMPSON, and Mrs. BACHMANN.
H.R. 1038: Mr. PLATTS.
H.R. 1076: Mr. SIMPSON.
H.R. 1093: Mr. BOREN, Mr. WAMP, Mr. ALLEN, and Mr. HINCHEY.
H.R. 1108: Mr. PATRICK MURPHY of Pennsylvania, Mr. WELCH of Vermont, Ms. SLAUGHTER, Mr. SCHIFF, and Mr. RUPPERSBERGER.
H.R. 1125: Ms. WASSERMAN SCHULTZ, Mr. GEORGE MILLER of California, Mr. PLATTS, and Mr. BLUNT.
H.R. 1147: Mr. BLUMENAUER.
H.R. 1157: Mr. ETHERIDGE, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, Mr. CALVERT, Mr. CHABOT, Mr. BUTTERFIELD, Mr. TOWNS, Mr. PRICE of North Carolina, Mr. SENSENBRENNER, Mr. MEEKS of New York, Mrs. BLACKBURN, Mr. DOGGETT, Mr. MOORE of Kansas, Mr. KAGEN, MR. WOLF, Mr. LEWIS of Georgia, Mr. PORTER, Mr. YOUNG of Alaska, Mr. HALL of New York, Mr. HINOJOSA, Mr. SESTAK, and Mr. MEEK of Florida.
H.R. 1188: Mr. SCHIFF.
H.R. 1192: Mr. ETHERIDGE and Mr. ALLEN.
H.R. 1229: Mr. HIGGINS and Mr. ROSS.
H.R. 1237: Mr. NEAL of Massachusetts, Mrs. CUBIN, Mr. COBLE, and Mr. PAUL.
H.R. 1239: Ms. BALDWIN.
H.R. 1293: Mr. ALTMIRE and Mr. WILSON of South Carolina.
H.R. 1294, Mr. GRIJALVA.
H.R. 1320: Mr. KIRK and Mr. JACKSON of Illinois.
H.R. 1343: Mr. CARTER, Mr. MEEK of Florida, Mrs. DAVIS of California, Mr. BISHOP of Utah, Mr. REYES, Ms. HERSETH SANDLIN, Ms. CLARKE, Mr. STUPAK, Mr. CUELLAR, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. GUTIERREZ, Mr. COSTELLO, Mrs. CUBIN, Mr. ISSA, Mr. RODRIGUEZ, MR. HALL of Texas, Mr. BRADY of Texas, Mr. AL GREEN of Texas, Mr. MCCAUL of Texas, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. MARCHANT, Mr. RUSH, Mr. WYNN, Ms. DEGETTE, Mr. SHIMKUS, Mr. LOBIONDO, Mr. ETHERIDGE, Mr. UDALL of Colorado, Mr. WELCH OF VERMONT, AND MR. RAHALL.
H.R. 1344: Mr. PAYNE.
H.R. 1346: Mr. BOUCHER and Mr. LYNCH.
H.R. 1391, Ms. WATERS, Ms. HARMAN, Mr. MCCOTTER, and Mr. PAYNE.
H.R. 1413: Mr. LANGEVIN.
H.R. 1420: Mr. MORAN of Virginia, Ms. BALDWIN, Mr. BAIRD, Mr. WAXMAN, Mr. SMITH of Washington, Mr. LEWIS of Georgia, Mr. SCHIFF, and Mr. KENNEDY.
H.R. 1459: Mr. CRENSHAW, Mr. MARKEY, Mr. WEINER, Mr. DAVIS of Kentucky, and Mr. SMITH of Nebraska.
H.R. 1461: Mrs. CHRISTENSEN and Mr. SERRANO.
H.R. 1491: Ms. CLARKE.
H.R. 1498: Ms. WOOLSEY, Mr. PERLMUTTER, and Mr. RENZI.
H.R. 1528: Mr. TIERNEY.
H.R. 1532: Mr. RUSH and Mr. SMITH of Washington.
H.R. 1535: Mr. HARE, Mr. RAHALL, and Mr. LAMPSON.
H.R. 1554: Mr. BRALEY of Iowa.
H.R. 1561: Mr. MCGOVERN.
H.R. 1567: Mr. LANTOS, Ms. BALDWIN, Mr. EMANUEL, Mr. GEORGE MILLER of California, Ms. JACKSON-LEE of Texas, Mr. EDWARDS, and Mr. MATHESON.
H.R. 1582: Ms. ROS-LEHTINEN and Mr. CARDOZA.
H.R. 1586: Mr. BRADY of Texas.
H.R. 1589: Mr. WEXLER and Mr. ROTHMAN.
H.R. 1590: Mr. SHULER.
H.R. 1593: Mr. MELANCON.
H.R. 1595: Mr. RANGEL, Mr. ORTIZ, Mr. TOWNS, Ms. KAPTUR, Mr. MCDERMOTT, Mr. PALLONE, Ms. NORTON, Mr. BARTLETT of Maryland, Mr. CLYBURN, Mr. FARR, Mr. FILNER, Mr. HINCHEY, Ms. WOOLSEY, Mr. ENGLISH of Pennsylvania, Mr. JONES of North Carolina, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. KIND, Mrs. TAUSCHER, Mr. BOOZMAN, Ms. SOLIS, Mr. WILSON of South Carolina, Mr. GINGREY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, Mr. LOEBSACK, Mr. HOLDEN, Ms. WATSON, Mr. KUCINICH, Ms. MATSUI, and Ms. LEE.
H.R. 1628: Mr. CROWLEY.
H.R. 1647: Ms. SUTTON, Mr. ADERHOLT, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, and Mr. PORTER.
H.R. 1649: Mr. MCHUGH and Mr. KAGEN.
H.R. 1653: Mr. WELCH of Vermont.
H.R. 1673: Ms. DEGETTE.
H.R. 1687: Mr. HARE, Mr. RAHALL, and Mrs. MUSGRAVE.
H.R. 1700: Mr. WELCH of Vermont, Mr. BISHOP of Georgia, Ms. SHEA-PORTER, Mr. ALTMIRE, Mr. CAPUANO, Mr. YARMUTH, Ms. HOOLEY, Mr. MURPHY of Connecticut, Mrs. LOWEY, Mr. WALZ of Minnesota, Mr. SARBANES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. VAN HOLLEN, Mr. UDALL of New Mexico, and Mr. MURTHA.
H.R. 1705: Ms. HOOLEY, Mr. BAIRD, Mr. COSTELLO, Mr. MEEHAN, Mr. OLVER, Mr. JOHNSON of Georgia, Mr. DOOLITTLE, Mr. MICHAUD, Mr. PLATTS, and Mr. WEINER.

H.R. 1707: Ms. SLAUGHTER, Mr. TIERNEY, Mr. WEINER, and Mr. MICHAUD.
H.R. 1709: Ms. MATSUI.
H.R. 1713: Mr. HONDA.
H.R. 1756: Mr. ELLSWORTH and Mr. GILLMOR.
H.R. 1760: Mr. PETRI.
H.R. 1771: Mr. GRIJALVA.
H.R. 1772: Mr. GORDON, Mr. WALZ of Minnesota, Mr. GRIJALVA, and Ms. KAPTUR.
H.R. 1781: Mr. LEWIS of Georgia, Mr. FARR, Mr. GENE GREEN of Texas, Ms. SUTTON, Mr. RAHALL, Mr. MCCOTTER, and Ms. JACKSON-LEE of Texas.
H.R. 1783: Ms. SHEA-PORTER, Mrs. BOYDA of Kansas, Mr. SPACE, Mr. BRALEY of Iowa, Mr. KLEIN of Florida, and Mr. DONNELLY.
H.R. 1791: Mr. CARTER.
H.R. 1806: Ms. ROS-LEHTINEN and Mr. KUCINICH.
H.R. 1813: Ms. GINNY BROWN-WAITE of Florida and Mr. TOWNS.
H.R. 1823: Mr. GOHMERT, Mr. FORTUÑO, and Mr. PAYNE.
H.R. 1845: Mr. EDWARDS and Mr. OLVER.
H.R. 1866: Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. REYES, and Mr. RENZI.
H.R. 1884: Mr. BARROW, Mr. WEXLER, Mr. ROGERS of Alabama, and Mr. BISHOP of Utah.
H.R. 1889: Mr. GONZALEZ.
H.R. 1892: Mr. WILSON of Ohio.
H.R. 1907: Mr. DINGELL.
H.R. 1927: Mr. BRALEY of Iowa, Mr. COSTELLO, and Mr. GENE GREEN of Texas.
H.R. 1937: Mr. HERGER, Mrs. CUBIN, Mr. LARSEN of Washington, Mr. HALL of Texas, Mr. PETERSON of Pennsylvania, Mr. ISSA, and Mr. BARTON of Texas.
H.R. 1945: Mr. INSLEE and Mr. GRIJALVA.
H.R. 1947: Mr. DOYLE.
H.R. 1952: Mr. JINDAL and Mr. CUELLAR.
H.R. 1983: Ms. HIRONO, Mr. MICHAUD, Mr. BOUCHER, Mrs. EMERSON, Ms. ZOE LOFGREN of California, Mr. MILLER of Florida, Mr. SOUDER, and Mr. ABERCROMBIE.
H.R. 1992: Ms. MOORE of Wisconsin, Mr. RYAN of Ohio, and Mr. AL GREEN of Texas.
H.R. 2019: Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Ms. MATSUI, and Mr. GONZALEZ.
H.R. 2060: Mr. CHANDLER, Mr. AKIN, Mr. OLVER, Mr. THOMPSON of California, Mr. WALZ of Minnesota, Ms. ESHOO, Mr. SALAZAR, Mr. CUMMINGS, and Mr. AL GREEN of Texas.
H.R. 2063: Mr. LOBIONDO and Mr. VAN HOLLEN.
H.R. 2079: Mr. GILCHREST.
H.R. 2108: Mr. STARK and Mr. COHEN.
H.R. 2111: Mr. CHANDLER.
H.R. 2116: Mr. CRENSHAW.
H.R. 2127: Mr. LUCAS, Mr. COLE of Oklahoma, Mr. SULLIVAN, and Ms. FALLIN.
H.R. 2135: Mr. KAGEN and Mr. POMEROY.
H.R. 2138: Mr. HOLDEN and Ms. SUTTON.
H.R. 2147: Ms. WASSERMAN SCHULTZ, Mr. PAYNE, and Ms. CARSON.
H.R. 2161: Mr. KNOLLENBERG, Ms. KAPTUR, Mr. WYNN, Mr. TURNER, and Mr. FILNER.
H. Con. Res. 21: Mr. FERGUSON and Mr. KAGEN.
H. Con. Res. 48: Ms. KAPTUR and Mr. CONAWAY.
H. Con. Res. 70: Mr. BLUMENAUER.
H. Con. Res. 80: Mrs. CAPPS and Ms. WATERS.
H. Con. Res. 87: Mr. ARCURI, Mr. BAKER, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. COHEN, Mrs. DRAKE, Mr. DUNCAN, Mr. AL GREEN of Texas, Mr. HOEKSTRA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. KUHL of New York, Mr. LOEBSACK, Mr. MCGOVERN, Mr. MARKEY, Mr. MURPHY of Connecticut, Mr. OBERSTAR, Mr. OLVER, Mr. SCOTT of Virginia, Mr. SHAYS, and Mr. TOWNS.
H. Con. Res. 102: Mr. FARR.
H. Con. Res. 104: Mr. HONDA, Mr. GRIJALVA, and Mr. FARR.
H. Con. Res. 120: Mr. BLUNT, Mr. HOLT, Mr. VAN HOLLEN, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 130: Mr. KENNEDY, Ms. KAPTUR, Mr. HINCHEY, Mrs. MYRICK, Mr. JEFFERSON, Mr. MCDERMOTT, Mr. CLEAVER, and Mr. RAMSTAD.
H. Con. Res. 133: Mr. RAMSTAD.
H. Con. Res. 138: Mr. MARSHALL.
H. Con. Res. 142: Mr. GRIJALVA, Mrs. DAVIS of California, Mr. SHERMAN, Mr. COHEN, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California.
H. Res. 68: Mr. SERRANO.
H. Res. 97: Mr. GRIJALVA.
H. Res. 101: Mr. BISHOP of Georgia.
H. Res. 121: Mr. CLAY, Ms. WATERS, Mr. CONYERS, Mr. BACA, and Mr. BISHOP of Georgia.
H. Res. 221: Mr. HONDA.
H. Res. 227: Mr. FILNER.
H. Res. 231: Mr. HASTINGS of Washington.
H. Res. 282: Mr. MCGOVERN, Mr. BRALEY of Iowa, Ms. BEAN, Ms. SOLIS, Ms. MATSUI, Mr. COSTA, Ms. SHEA-PORTER, Mr. TIM MURPHY of Pennsylvania, Mr. MICHAUD, Mr. ELLISON, and Mr. GARRETT of New Jersey.
H. Res. 291: Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mr. HARE, and Mr. COSTELLO.
H. Res. 296: Mr. CAMP of Michigan, Mr. WILSON of Ohio, Mr. NADLER, Mr. MOORE of Kansas, Mr. MITCHELL, and Mr. VAN HOLLEN.
H. Res. 313: Mr. HUNTER.
H. Res. 322: Mr. MARSHALL.
H. Res. 351: Mr. MCHENRY, Mr. FEENEY, Mr. GINGREY, and Mr. HUNTER.
H. Res. 352: Mr. GRIJALVA and Mrs. NAPOLITANO.
H. Res. 353: Mr. MARSHALL.
H. Res. 354: Mr. WESTMORELAND.
H. Res. 369: Ms. LEE and Mr. MCDERMOTT.
H. Res. 371: Mr. KIND, Mr. BLUMENAUER, Ms. SUTTON, and Ms. BORDALLO.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, MAY 7, 2007 No. 74

Senate

The Senate met at 2:15 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, remind us today of truths that matter to keep us from deceiving ourselves. Help us to remember that we rarely reap what we haven't sown. Remind us that progress is seldom made on the wings of inevitability but requires prayerful plans, powerful perseverance, and loving providence. Teach us again that forgiveness still heals, truth still liberates, giving still transforms, and love still conquers.

Give the Members of this body a meaningful day. Provide them with wisdom to discern the excellent and to do what is best. Inspire them to conduct themselves in a way that honors You.

And, Lord, please remember the victims of the Kansas tornado.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR 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, today, the Senate will be in a period of morning business until 4 o'clock, with the time equally divided and controlled by the respective leaders.

The Senate will resume consideration of S. 1082, the FDA bill, at 4 p.m. today. Upon resuming the bill, the Senate will begin several votes: first, the Cochran second-degree amendment to the Dorgan amendment, then the Dorgan amendment, and then the cloture vote on the substitute amendment.

I understand the managers will be here very soon to seek consent to dispose of amendments they have already worked out. Also, Members have until 3 o'clock today to file any first-degree amendments. In addition to filing cloture on the committee substitute amendment and the bill, I also filed cloture on the motion to proceed to H.R. 1495, the Water Resources Development Act, which is known as WRDA. It is a bipartisan piece of legislation, led by Senators BOXER and INHOFE. I am hopeful it will not be necessary to have that cloture vote and that we will be able to proceed to the bill once action is concluded on the FDA bill.

Members should be ready for a number of votes starting at around 4 o'clock today. The first vote will be 15 minutes, and the remaining votes will be 10-minute votes. Everyone should be alerted to that.

Another matter which I mentioned last week is going to conference with respect to the budget resolution. The House was slated to take that up this evening. I think now it may be tomorrow when they will take it up, so that message may not get to us until Wednesday.

This is a very busy week, so everyone should be aware of the different votes that may be necessary. We hope we can complete work on the FDA bill tonight. That is certainly possible; otherwise, maybe in the early morning.

IRAQ

Mr. REID. Mr. President, nearly a week has passed since the President vetoed a bipartisan proposal that fully funded our troops and also changed course in Iraq so we could responsibly end the war.

Although the President's actions thwarted the will of the American people, very clearly, they—the American people—deserve to know what their leaders in Congress are doing. We are alerting them that we, as congressional leaders, are doing everything we can to work toward an agreement on an emergency supplemental funding bill that will make America more secure, fully fund our troops, and responsibly change course in Iraq.

Our proposal called for a change in the mission and the phased redeployment of U.S. combat troops no later than October 1 of this year.

A bipartisan majority of the House and Senate made it clear they believe a timeline for the reduction of combat operations will compel the Iraqi Government to take responsibility for their own country, will reduce the specter of occupation, and will allow our forces to come home.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The American people believe this overwhelmingly. But now there are signs the Republican leadership in Congress is beginning to think a timeline is necessary as well. According to the L.A. Times, House Republican Leader JOHN BOEHNER said:

> Mr. Bush risks defections in the fall if the war situation hasn't improved.
>
> By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B.

The House Republican leader now seems to be saying that he and his colleagues agree there must be a time limit on the President's current course in Iraq.

What is also revealing, and somewhat disturbing, is the Republican leader is willing to allow our troops to stay in Iraq with a failing strategy until he and his colleagues decide it is time to part with the President.

President Bush—the same President who vetoed our plan—said this as a candidate about his predecessor, Bill Clinton, and the war in Bosnia, in 1999:

> I think it's important for the president to lay out a timetable as to how long they will be involved and when they would be withdrawn.

We hope President Bush will keep his own past words in mind as these negotiations continue.

We are pleased to see the House Republican leader, speaking on behalf of his caucus, adopt our view that this commitment in Iraq must not be open-ended, that there must be a timeline. It is surely no coincidence that his views come at a time when conditions in Iraq grow worse.

I am reminded of the Easter sermon of Pope Benedict, delivered only a month ago. The Pope said:

> How many wounds—how much suffering there is in the world.

He continued:

> Nothing positive comes from Iraq, torn apart by continual slaughter as the civilian population flees.

Since those words were spoken, conditions have indeed deteriorated.

In April, our troops suffered the deadliest month of the year and one of the deadliest of the entire 51 months of the war.

The President's own Special Inspector General for Iraq Reconstruction released its quarterly report last weekend that painted a dispiriting picture of waste, ineffectiveness, and failure to achieve even minimally satisfactory results.

Despite burning through most of the 20 billion American dollars planned for reconstruction, many Iraqis are without basic necessities such as electricity and clean drinking water. Of course, oil production is down. Only a third of Iraqi children are attending school. Seventy percent of the kids are suffering from symptoms of trauma that could paralyze an entire generation that we are counting on to harvest the seeds of democracy.

Iraqi Prime Minister al-Maliki is accused of sabotaging efforts for peace and stability by firing some of the country's top law enforcement officials for doing too good a job of combating violent Shiite militias.

President Bush speaks of pressuring the Iraqi people to take responsibility for their own future. Yet while American troops are fighting and dying to secure the country, the Iraqi Government is planning a 2-month summer vacation.

Yesterday, eight more courageous American soldiers fell; four the day before. I have no doubt these developments weighed on Leader BOEHNER's mind when he made his comments suggesting a fall timeline to the war in Iraq. But I know he is not alone. Many of my Republican friends across the aisle feel strongly that a change of course in our Iraq strategy is needed—one that holds the administration and the Iraqis accountable for real results. Many of my Republican friends across the aisle feel it is time for change. This is the time. I know many of my Republican friends also intend to be part of the solution on the way forward, and I look forward to working with them. We all look forward to continuing negotiations, which we will work on today. I have spoken to Chairman OBEY today. I talked to him Friday. I will continue to talk to him every day until we reach agreement on a bill that fully funds the troops while providing a responsible new course that makes America more secure.

No one wants to succeed in Iraq and make America more secure than I.

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 until 4 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. 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. REID. 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. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally between the Democrats and the Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. 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.

HATCH AMENDMENT ON ANTIBIOTICS AND ENANTIOMERS

Mr. HATCH. Mr. President, I would like to discuss the amendment which deals with antibiotics and enantiomers, which is included in the managers' package we are adopting today.

I offered this amendment at the HELP Committee markup, but withdrew it with assurances that we would work it out prior to floor action. There have been constructive discussions among all interested parties and I believe we have worked language out that is acceptable.

There is a great urgency to this situation, and I want to make certain my colleagues understand it fully.

The Infectious Diseases Society of America, the Alliance for Aging Research, the Institute of Medicine, the Resources for the Future, the Centers for Disease Control, and many others have been sounding the alarm about the growing threat from resistant microorganisms and the need for innovation in the area of antibiotics.

Congress must listen.

Nobel Laureate Joshua Lederberg said it well:

> We are running out of bullets for dealing with a number of (bacterial) infections. Patients are dying because we no longer in many cases have antibiotics that work.

The Hatch amendment is intended to be an initial step in the fight against these resistant strains of bacteria by increasing incentives and innovation.

Additionally, the language in the amendment requests FDA to work with companies to apply the Orphan Drug Act to antibiotics wherever possible. Hand-in-hand with this, it reauthorizes the Orphan Drug Act grant and contracts from fiscal years 2008 through 2012. As many of my colleagues know, this act has resulted in important medicines for rare diseases.

The Hatch amendment also ensures that currently existing incentives for new drugs are available for new single enantiomers in new therapeutic areas such as Alzheimer's, cancer, and type II diabetes among others. In 1997, FDA issued a Federal Register notice acknowledging that the policy needed clarification and this amendment would do that.

Let me start with the issue of antibiotics and the need for new antibiotics to fight drug-resistant infections. Many of us have become more and more concerned that there is an alarming increase in the number of drug-resistant infections—many of them serious—and we are running out of treatment options.

My first chart is based on data from the Centers for Disease Control and

Prevention and shows how resistant strains of infections have spread rapidly from 1980 to 2000. My colleagues, this is a very alarming trend and sadly, for all of us, the problem of resistance continues to grow.

A report many of us are familiar with, Bad Bugs, No Drugs, from the Infectious Diseases Society of America, IDSA, highlights the lack of R&D for new antibiotics.

Antibiotics are not profitable compared to medications that treat chronic conditions and lifestyle issues. Also, antibiotics are taken for short periods of time—unlike medications for chronic disease which may be taken daily.

And, when a new antibiotic comes on the market, it is discouraged from use to avoid the development of resistance. As a result, it is fair to say that major pharmaceutical companies have not been making significant investments in antibiotics.

Given that there are few, if any, antibiotics in the drug development pipeline, if Congress fails to act, we walk blindly into a future where we must fear basic infections we have long taken for granted are not a problem.

Medicine changed dramatically when penicillin was discovered and physicians had a tool to treat deadly infections.

Can any of my colleagues imagine life without penicillin? I am sorry to inform you, we are about there.

Over the years, many infections became resistant to penicillin, but we were OK—we moved on to the next antibiotic. We had methicillin—and now serious infections are resistant to that.

We should consider what the health professionals are telling us. Will we listen? We are taking antibiotics and our ability to treat bacterial infections for granted.

Infectious disease doctors from all over the country have been writing to their Senators to express their support for my amendment. They tell heart-wrenching stories.

Dr. Helen Boucher, a physician at Tufts Medical Center in Boston, MA, wrote to tell Congress that patients are routinely lost ''to infections caused by resistant bacteria for which we have few to no options. [They] recently lost two bone marrow transplant recipients who survived all the chemo but died of multiply-resistant gram negative infections. In both cases, [physicians] pulled an old antibiotic off the shelf and gave it as a last resort, knowing how toxic it was but having NO other options for these young people. . . .''

She wrote:

> As a doc and an American, it's horrifying to know that few to no companies are investing even in discovery of new antibiotics for these infections . . . just this week [she] was presented a case of a previously completely healthy 33 year-old lady who presented to the hospital in Boston with pneumonia and died within 6 hours from community-acquired MRSA. Her story and so many others that we see ALL the time, make the need for new and powerful options to treat these infections critical.

Community-acquired MRSA is an infection that was historically acquired while in the hospital, but now is impacting young, healthy people. We have heard stories of high school, college and professional athletes losing their lives or careers as a result of these infections. Sadly, this infection has become far too common, difficult to treat and has few options to fight it. It can leave individuals disfigured, if they survive.

In my own State of Utah, the number of children with MRSA infections at the Primary Children's Medical Center in Salt Lake City has dramatically increased since 1989.

Dr. Andy Pavia of Salt Lake City told me that he ''cared for a 2 month old girl who developed MRSA pneumonia and almost died as a complication of an otherwise mild respiratory infection. She survived and will be going home to her parents, but only after 2 weeks of the most sophisticated intensive care and an additional 4 weeks of intravenous antibiotics.''

Dr. Pavia went on to explain that the Primary Children's Medical Center sees the impact of resistant bacteria almost every day.

In fact, he wrote:

> Last week a two year old girl [who] was weeks away from being cured of Burkitt's lymphoma developed shock due to a bloodstream infection with a highly resistant strain of a gram-negative bacteria. Fortunately, the bacteria was sensitive to one remaining antibiotic. If it had been resistant, she would not have left the Pediatric ICU alive.

The doctor related that MRSA is an aggressive, difficult to treat, form of staph that has spread rapidly within communities. Half of the children he sees with severe MRSA infections acquired their infection at home.

This is a picture of Bryce, whose family tells a similar story. He had his first cold 2 days before Christmas. Before then, 14-month-old Bryce Smith had never been sick. At 2 a.m. on New Year's Day, his parents took him to the emergency room, where the seriousness of their son's condition became immediately apparent.

An X-ray showed that Bryce had pneumonia. A CT scan showed that his right lung was filled with fluid. Four hours after arriving at the ER, Bryce was scheduled for surgery. Doctors found that a methicillin-resistant staph infection had eaten a hole through his lung.

For the first 12 days that Bryce was in the hospital, the doctors didn't know whether he would live. Doctors battled to force air into the child's lungs, but as they told his mom, it was like trying to pump air into a brick.

Doctors prescribed high levels of antibiotics, including vancomycin, in a desperate battle to fight the infections. For 6 weeks, the child did not wake up. During Bryce's stay in the hospital, he has suffered from several additional infections. Bryce is doing much better now, he was released from the hospital, but he still must relearn how to walk. His recovery could take several months. As of April 2007, the Smiths' total bill for Bryce's care is just under $1 million.

Fortunately, the family's insurance does not have a ceiling on payments; otherwise, the Smiths say they would be in financial ruin. Bryce's ongoing care needs are decreasing, but he still has regular visits with the pulmonologist, nephrologist, and his pediatrician. He still tires out easily with exertion.

The fact that children acquire this infection at home is significant because we used to only worry about it in the hospital.

Last month, there were numerous articles about CDC's concern that cases of resistant gonorrhea have dramatically increased and respond to only one antibiotic.

There has been much concern over the past couple months related to extensively-drug resistant—XDR–TB. Right now, there is a man in Phoenix, AZ, whom authorities took action to isolate in order to avoid the spread of the deadly XDR–TB infection he had contracted while out of the country.

This comes in addition to the numerous reports of our soldiers coming home from Iraq with Acinetobactor—a resistant infection that is especially difficult to treat and the only option is a very toxic antibiotic.

One doctor we have heard from, in a local community, indicated he has seen two patients just this month with infections resistant to every antibiotic currently available.

That is becoming a common occurrence.

Infections disease specialists can do little more than provide supportive care for those unfortunate patients. Without any new antibiotics in the pharmaceutical pipeline, there is no promise of a treatment for years to come.

Whatever we do to begin to address this serious concern, we can't hope to realize the benefit for more than a decade. Drug development takes time and money. Yet few companies are willing to invest either in the area of antibiotics.

I believe this chart shows that is the case. As you can see from this chart, the number of new antibacterial agents that have actually been approved is minimal. The market forces don't work well for antibiotics. When we cannot rely on the market, government has an obligation to step in.

The Hatch amendment focuses on incentives for research and development of antibiotics. Specifically, my amendment: Provides equitable treatment for so-called ''old'' antibiotics; promotes communication and education of current law orphan drug incentives by directing FDA to convene a public meeting to clarify what ''bad bugs'' may qualify for orphan designation; reauthorizes the Orphan Drug grants and contracts program which expired September 30, and requires FDA to establish, update and make publicly available information on antibiotic

breakpoints. This is important to assure that the antibiotics we and our children take are effective against bacterial infections and minimize the progression of resistance.

Antimicrobial resistance is a public health crisis. In many ways, it is even bigger than drug safety, a point our colleague, Dr. COBURN, made at the HELP mark up.

This is an issue that touches not just the old or the young, but all Americans throughout every walk of life. Antibiotics are as precious a natural resource as water is to a vibrant and healthy community and, guess what, the creek is drying up. The Hatch amendment only takes the first steps to address these issues.

If we cannot work together on these more minor provisions, how will we truly combat antimicrobial resistance? What will we say to the children, soldiers, athletes, elderly and so many others that contract these deadly diseases which only years before were successfully treated with antibiotics? Are we really willing to walk away and leave nothing in our arsenal to fight these bad bugs?

I would like to turn my attention now to a provision in the Hatch amendment which encourages innovation in another area. This provision provides for 5-year exclusivity for enantiomers of previously approved racemic drugs in different therapeutic areas based on new data.

Enantiomers are mirror images of the same drug. You can think of them as left-handed and right-handed molecules. We now understand that, in some cases, these enantiomers have very different activity and safety profiles.

In simplest terms, imagine the biological target is a glove that fits one hand better than the other. When Hatch-Waxman was passed originally, we didn't contemplate the isolation of one enantiomer from an approved drug made up of a mixture of enantiomers and its development for a new use based on all new data.

But today that is exactly what is happening. Sponsors are finding new important uses for enantiomers of drugs previously approved as a mixture of enantiomers.

Where FDA is requiring all new data for approval of these single enantiomers and will not allow a company to rely on any of the data submitted in the original application for the mixture of enantiomers, these single enantiomers are effectively new chemical entities and should be entitled to 5-year exclusivity.

In 1997, in a Federal Register notice, FDA laid out the issue, acknowledging the lack of clarity in the law regarding 5-year exclusivity for enantiomers and the need to incentivize this type of development. FDA requested comments but never finalized a policy.

The Hatch amendment makes it clear that development of an enantiomer for new use in a new therapeutic area based on new data would qualify for 5-year exclusivity. However, in order to address the potential for abuse the revised provision limits 5-year exclusivity to approvals in a new therapeutic class.

As this chart states, innovation and development of enantiomers may provide treatments in cancer, Alzheimer's disease, type II diabetes. When it comes to FDA, we need to get it right.

I feel we have done a lot of good with this bill, and I voted for it in committee with the understanding the issues I raised on antibiotics and enantiomers would be addressed before we reached final passage. I am glad that, as of yesterday afternoon, we have worked out all remaining concerns and I believe the chairman's commitment at the markup has been honored.

I know that some were concerned about this amendment, specifically because its incentives provisions were fueled by exclusivity. With all due respect, I understand the importance of the generic drug industry. We spoke earlier about the need to get it right for follow-on biologics.

But we should listen to the public health associations, who understand the need to support innovation. Indeed, the Alliance for Aging Research, Infectious Diseases Society of America, National Organization of Rare Disorders, and Immune Deficiency Foundation are dedicated to advocating for patients and doctors and improving public health in this country, and they fully support this amendment in its entirety.

The Infectious Diseases Society of America represents doctors that see the threat of resistant bugs every day. They recognize the need for innovation in their therapeutic area.

This isn't different than 10 years ago when the American Academy of Pediatrics argued passionately for the need for innovation in pediatric research. Some may not remember that the generic drug industry opposed that provision saying that innovation was not necessary.

In contrast, I am pleased that we have achieved an agreement today that recognizes the need for this innovation in research involving antibiotics and enantiomers.

Ten years ago, Congress passed the last major piece of FDA legislation, the Food and Drug Administration Modernization Act, or FDAMA.

Those of us who were here then recall ever-so-vividly the infamous chart of the feet displayed with great effectiveness by our colleague Senator KENNEDY.

I hasten to say many have had recurring nightmares about the horror of these feet. The Senator and his very bright staff were ever-so-clever in their effective use of this chart. Today, I hope to have the same effect, although I do not wish to spawn a new generation of nightmares.

I submit to my colleagues, that if we had adequate antibiotics in development, we never would have had to look at these diseased feet. With passage of my amendment today, perhaps this chart can be relegated to the Russell attic forever.

In closing, I thank my colleagues for recognizing that antimicrobial resistance is not a brand issue or a generic issue. Effective treatment for Alzheimer's, cancer, or type II diabetes is not a brand issue or a generic issue. These are public health issues.

I urge my colleagues to take these issues seriously and appreciate that we have joined together and not let these serious concerns fall subject to politics as usual. These are growing problems and require attention before it is too late.

We need to make sure that innovation is encouraged in these areas and high scientific standards are maintained and the Hatch amendment does just that.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Ohio is recognized.

RULES GOVERNING THE FDA

Mr. BROWN. Today, we are likely to wrap up consideration of legislation that modifies the rules governing the FDA, an agency that oversees all of the medical products we use and most of the food we eat. FDA came into being about a century ago because Americans were being sold medicines that caused injury, that caused birth defects, that even caused death; and Americans were consuming food products that too often were not safe. Those kinds of medicines were being sold as cures, but they didn't cure anything.

FDA's first responsibility—first responsibility—is to safeguard the health of American consumers. But because the products under FDA's authority account for 25 cents out of every dollar U.S. consumers spend, there is a pull on the agency that has nothing to do with patient safety and everything to do with drugs, both brand name and generic, and medical device industry profits.

I remember a few years ago, when I served as ranking member of the Commerce Committee's Health Subcommittee in the House of Representatives, a representative from FDA started his testimony to us in front of that subcommittee by showing us a chart that tracked the U.S. drug industry's global market share.

As I told that representative, FDA is not the marketing arm of the drug industry. It is the patient safety arm of the Federal Government, to guarantee safe products for Americans who consume medicine, food, and the like.

But FDA's drug industry dog and pony show is emblematic of the key problem this bill is designed to address. FDA has strayed from its public health mission, and this legislation will help to get us back on track.

S. 1082 requires FDA and drugmakers to work together to assure the safety

of medicines before and after a new drug is approved for marketing. It gives FDA more authority to prevent misleading drug ads and limit patient exposure to drug risks that may still be emerging.

S. 1082 is intended to realign FDA's actions with its public safety mission. While there are aspects of the bill that I wish were stronger, I believe S. 1082 will improve patient safety and ultimately the bill will save lives.

Chairman KENNEDY and Ranking Member ENZI, their staff members, and Ellie Dehoney on my staff, literally worked night and day on this legislation. Other Senators have been there right along with them working to incorporate other key consumer health and safety provisions into this bill.

As a result, this legislation will not only help us prevent drug safety crises, it will help prevent the exploitation of the ''citizen petition'' process, which delays access to lower priced medicines.

Prescription drug affordability is a patient safety issue. What medicines cost determines who can afford them and who must forego them. That is a patient safety issue.

Thanks to the hard work of Senators HATCH and STABENOW, among others, this bill also responds to the problem of antibiotic resistance. It takes steps to spur innovation and reduce costs in that market.

Thanks to the hard work of Senators DODD, CLINTON, and others, this bill will help ensure children receive the right medicine at the right dosage and that they can benefit from medical devices tailored to their special needs.

S. 1082 is an important bill, and it will be a better bill if this body passes the Dorgan amendment to enable the safe importation of prescription drugs and rejects Senator COCHRAN's amendment to prevent safe reimportation.

Consumers are importing prescription drugs today. Seniors in Ohio are taking bus trips to Canada to buy their prescriptions in Windsor. It is happening in border States throughout our country because our country pays the highest prices in the world for prescription drugs.

Our Government isn't doing anything about that. Too many members of Congress—House and Senate—are, frankly, too involved and too influenced by big drug companies. So American consumers are now taking matters into their own hands. American consumers are importing prescription drugs today. We can help them do it safely or we can turn our backs and simply wish them well. This Senate, and the House, for too many years, along with this President, have turned our backs and wished them well.

It is time for something different. Let's help our citizens import prescription drugs safely. Vote for Senator DORGAN's drug safety initiative and vote against Senator COCHRAN's poison pill.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. We have 18 minutes remaining. I yield myself 9 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENTS TO THE FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

Mr. GRASSLEY. Mr. President, there are two amendments I am going to bring up on the bill that will be before the Senate. Amendment No. 1039, which Senators MIKULSKI and BROWN will also be cosponsoring, provides for joint postmarketing decisionmaking between two offices within the FDA—the Office of Surveillance and Epidemiology and the Office of New Drugs. These offices would address jointly postmarketing drug safety issues.

This postmarketing decisionmaking is intended to include labeling changes requiring additional postmarketing studies and restrictions on distribution and use of drugs. The joint decisionmaking would give the Office of Surveillance and Epidemiology signoff authority. This is different than its present role of being a mere consultant to the Office of New Drugs.

It is very important to understand that the core of this amendment was recommended by the Institute of Medicine last fall.

The other amendment is amendment No. 998, which Senator DODD will also be cosponsoring. It provides for the application of stronger civil penalties for noncompliance with approved risk evaluation.

Currently, S. 1082 contains penalties that are insignificant for large companies and amount to nothing more than the cost of doing business. This amendment is intended to give the FDA, the watchdog, some bite along with its bark.

Big PhRMA doesn't like my amendments because they shake up the status quo. The status quo includes FDA's debacle, such as Vioxx and the failure of FDA to notify doctors and parents of potentially tragic effects of antidepressants on children.

These amendments would make postmarketing safety concerns a forethought rather than an afterthought at the FDA. These amendments are intended to establish greater accountability, break the stronghold big PhRMA has on the FDA, and make postmarketing safety a meaningful effort at the agency.

Today, through my amendments, I hope to help Senator KENNEDY and Senator ENZI finish a very good job they started through the HELP Committee. S. 1082 is a first step in setting a new direction for the safety of prescription drugs. As I said the week before last, I am heartened by the fact that this bill attempts to address some of the many failures I have exposed over the last 3 years at the FDA, failures that negatively affect the core mission of the FDA. For the first time in almost a decade, we have an opportunity to reform, improve, and reestablish the FDA as what it should be: the gold standard of drug safety.

The bills Senator DODD and I have introduced in the past were intended to enhance drug and device safety and to bring transparency. Over the past two Congresses, I have worked with Senator DODD on these bills. One of these bills asks for the creation of a new center devoted solely to postmarketing drug safety, a center that would bow to no one but the American consumer, a center that would be an independent voice for consumers, a center that would reside in the FDA and decide what to do and when to do it when an unexpected safety risk arises from a drug.

There is strong opposition to such a center, I found. This is the case even though scientists and epidemiologists working in the FDA, as well as independent thought leaders, believe the Food and Drug Administration Safety Act of 2007 would prevent another Vioxx debacle.

The HELP Committee incorporated certain aspects of Grassley-Dodd and Dodd-Grassley bills in the bill before us, and I thank Senator KENNEDY and Senator ENZI for doing that.

During floor debates, I have seen agreements and long-term commitments fall through. It is clear to me S. 1082 will never include a separate center for postmarketing safety. The way the process works will not allow a new center to be created in the FDA. That is very unfortunate. It is particularly unfortunate for our consumers. Senator DODD and I concluded a new independent center was the best way to ensure postmarketing drug safety. But, again, there is strong opposition to such a center, despite the fact that it is the right thing to do.

The wheeling and dealing and lobbying on this bill have made it impossible for a new postmarketing center to become a reality. So instead, I am here to offer a lesser amendment. It is lesser because it is not the best we can do. I know we can do better. Amendment No. 1039 has its roots in the Institute of Medicine recommendations and should be embraced by every Member. Specifically, the Institute of Medicine stated in its report:

> The committee recommends that CDER appoint an OSE staff member to each new drug application review team and assign joint authority to OND and OSE for the post-approval regulatory actions related to safety.

Two members of the Institute of Medicine committee which issued the

report reiterated recommendations in an article published last week in the Journal of the American Medical Association. In particular, they stated:

> The Institute of Medicine identified the imbalance in authority between the Office of New Drugs and the Office of Surveillance and Epidemiology as a major weakness in the drug safety system. In an effort to facilitate a collaborative and constructive team approach, the Institute of Medicine recommended joint authority for the Office of New Drugs and Office of Surveillance and Epidemiology in the postapproval setting.

These experts noted that the FDA's response to the Institute of Medicine's recommendations ''represent incremental progress'' but suggest that the FDA failed to embrace, among other things, ''the equality between the preapproval and postapproval activity of the agency.''

Having equality between the preapproval and postapproval activities at the FDA is fundamental to real reform. It is common sense. This is especially true when we think about what we have learned from the operation of the FDA over the past few years and those shortcomings.

As we debate this bill, we are going to hear a lot about the impressive Institute of Medicine study and its recommendations to improve the FDA. We have and will continue to hear Members talk about how S. 1082 addresses many of the Institute of Medicine's recommendations. However, this is one important and sweeping recommendation that is not addressed in the bill before us.

Amendment No. 1039 is intended to address that shortcoming. I have seen time and again in my investigations that serious adverse effects that emerge after a drug is on the market do not necessarily get the prompt attention they deserve. They are certainly not getting the attention from the Office of New Drugs.

Even the Government Accountability Office report entitled, ''Improvement Needed in FDA's Postmarket Decisionmaking and Oversight Process,'' stated:

> FDA lacks clear and effective processes for making decisions about, and providing management oversight of, postmarket safety issues.

I, for one, have seen too many people suffer from the results of the Vioxx mess. I also have heard from parents whose children committed suicide on antidepressants.

This amendment is about making postmarketing safety in S. 1082 a reality, not just another byline. Identifying a safety issue after a drug is on the market is the beginning of the process of protecting the American consumer.

Once the safety questions are identified, FDA needs to be empowered and willing to take action to address those questions and to ensure timely notice to doctors and consumers of new safety risks for drugs that they are already taking.

Senator ENZI stated last Monday that with Vioxx, the Food and Drug Administration did not have enough tools to deal with the new risks that became evident only after Vioxx had been on the market for some time.

But the problem with the Vioxx mess and the antidepressant mess wasn't only about having enough tools, it was about FDA managers disregarding the concerns raised by its own scientists in the Office of Surveillance and Epidemiology and not taking action in a timely manner.

Amendment No. 1039, which is in the Institute of Medicine recommendations, is intended to curb delays when it comes to safety.

I have also been told by scientists and epidemiologists working in the FDA, as well as independent thought leaders, that S. 1082 as it stands will not prevent another Vioxx debacle.

They have told me that the Office of Surveillance and Epidemiology needs, at the minimum, joint postmarketing decisionmaking authority with the Office of New Drugs to ensure prompt postmarketing action.

I also am afraid to say, that right now, I am at the beginning of another review that will likely lead to concerns similar to those we have seen in the past—a situation where the postmarketing adverse events are severe and the public knows nothing.

The other amendment I want to talk about, amendment No. 998, is just plain common sense.

For FDA's new authorities to be meaningful, there has to be strong civil monetary penalties.

I hear that there is a lot of opposition to having stronger civil monetary penalties than those currently in S. 1082. But that just does not make sense to me.

Over the last week I have heard members talk about giving FDA some bite. Well, let's add some teeth.

Civil monetary penalties need to be more than the cost of doing business.

If civil monetary penalties are nothing more that the cost of doing business, you can't change behavior and, more importantly, you can't deter intentional bad behavior.

Amendment No. 998 would increase the penalties that can be imposed if companies fail to comply with the requirements of the ''risk evaluation and management strategies,'' such as labeling changes and requirements for postapproval studies or risk communication plans.

These requirements are at the core of S. 1082. But, FDA cannot be an effective regulator if it's all bark and no bite.

The last thing we need to do with this bill is to provide the FDA with new authorities but little enforcement capacity. That's not accountability and that won't help FDA do its job better for the American people, and it won't punish bad players.

That is why amendment Nos. 1039 and 998 make sense.

They fit into S. 1082 and its stated goal of promoting postmarketing safety.

I again thank Senators KENNEDY and ENZI for the tremendous efforts that went into bringing this bill to the floor, and I again thank them for incorporating a number of the provisions set forth in the two bills filed by Senator DODD and me.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I understand there is a time allocation; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Could the President tell us the time allocation remaining?

The PRESIDING OFFICER. The Republicans have 9 minutes remaining and the majority has 35 minutes.

Mr. KENNEDY. I note that the Senator from Maine was on the floor before I came down, and I know there are other Senators, Senator ROBERTS being one, who wanted to speak, and I think Senator BURR. We also have a number on our side.

My ranking member is here, and I imagine he will allocate the time on his side. I am glad to have the good Senator from Maine go ahead. I understand there are 9 minutes in total on her side.

Mr. President, I ask unanimous consent that I be allowed to follow her.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPORTATION OF PRESCRIPTION DRUGS

Ms. SNOWE. Mr. President, I thank the Senator from Massachusetts for his courtesy and for his cosponsorship of this initiative. I, obviously, want to also thank the sponsor of this legislation, with whom I am privileged to join, the Senator from North Dakota, who has demonstrated leadership for the last decade on this initiative which is so crucial to the American consumer.

I rise to speak today on behalf of the Dorgan-Snowe amendment regarding drug importation. I know the Senator from Mississippi, Mr. COCHRAN, has offered a second-degree amendment to require the Secretary of Health and Human Services certify both the savings and safety of drug importation. Obviously, there is concern for the safety of the American people. It is one that I appreciate strongly. It must be our highest priority. But we have been at this juncture before with respect to drug importation.

As I mentioned earlier, twice before we have seen the Congress adopt a requirement for the Secretary to certify safety and savings before implementing a program of prescription drug importation, and not a single prescription drug was imported under either the MEDS Act of 2000 or the Medicare Modernization Act of 2003. Americans deserve access to affordable medications, and that access must be safe, but

it is not made so by simply certifying with respect to drug importation. As I said, twice before we have been through this—in 2000, and of course in the Medicare Modernization Act of 2003 under the prescription drug benefit for the Part D Program.

Many who are in the Senate today supported a certification requirement in good faith, recognizing that the Secretary of Health and Human Services would certify the safety upon reviewing and evaluating circumstances, but that has not occurred. Most would not think such a certification would block Americans from legally importing medications. That is because for years we have seen our constituents—and certainly those from my State of Maine—using Canadian pharmacies, and both the safety and savings were indisputable. Yet certification did not arrive.

As a result, the former Secretary of Health and Human Services, Secretary Shalala, declined to make the certification with respect to the MEDS Act, and we know she did so because of three specific flaws in the law, each of which this legislation addresses.

After the passage of the Medicare Modernization Act, which included the prescription drug program, we saw that former Secretary Thompson could not certify importation. The fact is, it is patently unfair to ask the Secretary to make such a certification, especially as to safety. That is because you must give the Secretary the resources and the authority to implement measures to make prescription drugs and their distribution as safe as possible.

So it comes as no surprise that given no standards, no authority, and no resources, we have failed to see a Secretary provide certification over the last 7 years. Secretary Thompson understood this well. He said it simply:

> 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 is an impossible thing. If Congress wants to import drugs, they should take that provision out.

The certification of savings is no less of a red herring. In fact, it has become a persistent roadblock every time we have passed certification to allow drug importation by the Secretary of Health and Human Services. Without a doubt, Americans would not purchase imported medications if substantial savings were not being realized. Indeed, the Congressional Budget Office has told us the countries from which we would import under this bill pay 35 to 55 percent less for brand prescription drugs and that we can realize a drug savings alone of $50 billion over 10 years. It should be patently obvious the savings part of certifying importation is a nonissue.

In fact, the Congressional Budget Office has confirmed those savings again, estimating that in addition to consumer savings, the Federal Government would save $10.6 billion—including the Medicare and Medicaid Programs that would achieve indisputable savings. Every cent of that savings, the CBO estimates, will be lost if the Cochran amendment is adopted because, as we all know, there would be no legal importation.

The savings are clear. Yet the advocates of certification continue to insist certification is critical—particularly regarding safety. Yet what is needed is not a certification requirement, which simply is a stamp on the status quo, but real action to assure the safety of prescription drugs.

By way of analogy, I would like to know where we would be if we applied this simple certification approach to other areas. Consider air travel. Americans embark on thousands of flights every day, but the travel of millions is not dependent on certifying the status quo. We rely on regulation and oversight of the aircraft that fly and their maintenance—of the individuals who crew, service, and direct those aircraft—of every critical aspect of aviation. If we were waiting for the FAA and its international partners to simply say flying is safe rather than acting to make it safe, we simply wouldn't have commercial air travel.

I note that last week, as the Senate discussed problems with both the drug and food safety, I did not hear my colleagues suggest FDA certify that imported food is safe. We, instead, spoke about measures to make it so. That points to what this amendment is about—not ensuring safety but blocking fair access to imports for Americans.

The fact is, Americans simply cannot see why it is that they cannot be provided a safe and effective system, which is exactly what the Dorgan-Snowe amendment does and what this legislation has been drafted to accomplish year in and year out. We have taken every conceivable concern regarding safety and incorporated it in this legislation.

As you can see on this chart, we incorporate 31 provisions. Compare that to the Medicare Modernization Act, which included the Part D prescription drug program for seniors, that included only six safety-related provisions. We included 31 different provisions. That is crucial to understanding that this sets up a system that will allow FDA inspectors to approve registered prescription drugs imported from other countries—in fact, countries that meet or exceed our standards. Compare that, for example, to the fact that the FDA approves manufacturing facilities in other countries that actually have lower standards than our country does. We allow medications to be manufactured in other countries with lower standards than what we have. Yet we are now saying we will not allow importations of medications from countries that meet or exceed our standards.

At a time in which American consumers are paying 35 to 55 percent more for drugs than foreign consumers—in fact, paying the highest prices in the world—this amounts to $99 billion more than the foreign consumers. That is what Americans pay today. Some would say: Oh, that affects research and development. Well, no, not exactly. In fact, the pharmaceutical industry spends about 10 percent of that $99 billion. So about $10 billion in research and development more than they do in Europe. So we are not seeing the increase in prices that Americans pay being channeled into more research and development. It simply is not the case.

What this does say is that American consumers are paying more than anyone else in the world. Not only are they paying more for their drugs, but American taxpayers are underwriting the research and development, as we have seen obviously with the National Institutes of Health. The taxpayer understands how important it is that the Federal Government remain on the vanguard of research and development of life-threatening medications, and not only are they paying for the research and development that benefits foreign consumers, who are paying 35 to 55 percent less, but they are also paying the highest prices in the world.

That is why this legislation allowing for drug importation is so essential. We have addressed every safety concern. We create a regime for tracking the shipments, creating a pedigree, creating a history with FDA approval—inspected and registered. So I would urge the Members of the Senate to defeat this certification amendment and to support the Dorgan-Snowe amendment. I think we have achieved a milestone moment in the Senate, where we have finally recognized and acknowledged that the day has come to allow Americans to take advantage of more competitive prices than have been available to them before.

I yield the floor.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, we will speak as in morning business for 10 minutes and if the Chair would let me know when I have a minute left.

Mr. DORGAN. Mr. President, reserving the right to object, and I certainly would not object, but I want to understand the time. We have a vote at 4 o'clock, I believe, which is already ordered. Would the President tell me what the time is between the two parties, how it is divided and who controls time at this point?

The PRESIDING OFFICER. The time for morning business has been equally divided until 4 o'clock. The Republicans have no time remaining, and the majority has 33 minutes.

Mr. DORGAN. Senator KENNEDY is asking for 10 minutes in morning business?

The PRESIDING OFFICER. Senators are permitted to speak for 10 minutes.

Mr. DORGAN. Might I ask to follow Senator KENNEDY in morning business for 10 minutes?

Mr. ROBERTS. Mr. President, reserving the right to object, if that is where we are.

Mr. KENNEDY. Mr. President, could I have the attention of Members. I understand the good Senator from Kansas wanted to make a brief statement about the terrible tragedies that have affected his State, and I see my friend from Vermont is here, so if he were to take 10 minutes, we would still have 10 minutes.

Mr. SANDERS. Ten minutes would be fine.

Mr. KENNEDY. I am wondering if Senator SANDERS would be willing to take 6 minutes and let Senator ROBERTS have 4 to talk about the tragedies in his State. He mentioned this earlier to me, and I didn't think we would have this time dilemma. Would that be acceptable?

Mr. SANDERS. Yes.

Mr. ROBERTS. I could not hear the amount of time I might be permitted.

Mr. KENNEDY. We have the whole 30 minutes, but the Senator from Vermont has said that, of his 10 minutes, he would be glad to yield to you 4 minutes, and then he will take 6 minutes. Would that be agreeable?

Mr. ROBERTS. If I could plead with the Senator for 5 minutes?

Mr. SANDERS. Yes.

Mr. ROBERTS. I thank the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will yield 1 minute of my time to Senator SANDERS.

Mr. SANDERS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

DRUG SAFETY

Mr. KENNEDY. Mr. President, hopefully during this afternoon we will have a chance to move irrevocably toward bringing the FDA into the 21st century, in terms of safety and security for American families. We do that with our primary focus making sure that in this time of the life sciences, the extraordinary breakthroughs we are seeing every single day, that the Food and Drug Administration is going to bring those new opportunities to American families but do it safely and do it efficaciously and do it in a way which is going to ensure that every family in America is going to have safe prescription drugs and safe products over which the FDA has jurisdiction.

I thank my friend from Wyoming for all his good work. We are going to have a series of three votes, and then we may very well set a pathway, hopefully, toward a successful conclusion of this legislation. He and I are both eager to see this legislation in the conference to work out, with the House of Representatives, the points of difference with the House. We are also eager to work out the extremely important area of the follow-on biologics. It is an enormously important area of public health, and it is going to demand a great deal of time and careful attention to make sure we get that issue correct.

It is important to not fail the American people but to see progress made in addressing this issue. The only way we can do it is make sure we get legislation that is going to pass the Senate, pass the House of Representatives, and move into conference. We are strongly committed to doing that.

I commend our colleagues for all their good work and assistance. We had a rigorous markup in our committee for several hours. There were a number of different amendments. We have addressed the issue of food safety with the Durbin amendment. This issue has been on the front pages all over this country and all over the world, particularly with regard to pet food as well as food safety generally. This legislation will go a long way toward giving assurances to American families that all of our food products are going to be safe and secure.

There are other provisions such as developing a nonprofit foundation so we can draw from the private sector and the public sector to make sure that agency is going to have the best of new techniques and new modalities, and to try to make sure the products that are before the Agency are going to be safe and secure and available as fast as possible. There will be a new emphasis in terms of science and also, as my friend from Wyoming points out, a toolbox that will be available to the FDA in order to ensure that we can get drugs more rapidly to the consumer but make sure they will be safer for American families, using the best of new technology, information technology, to make sure they are going to be more safe.

I am enormously appreciative of the work of my friend from North Dakota, Senator DORGAN, on the issue of cost and price. Part of this is making sure we are going to have drugs that will be safe, but we also want to make them accessible and available. I commend him and all those who have been a part of this process. This is certainly an aspect of the prescription drug issue that we should constantly address.

I thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me on the important issue of DTC, direct-to-consumer advertising. We have accomplished our common goal of a constitutionally sound, effective, workable way to make sure that DTC ads provide accurate information to patients about the drugs they are taking. This amendment strikes the moratorium on DTC ads that had given rise to Constitutional concerns, and I think we have a very solid resolution. I wish to thank Senators STABENOW, BROWN, LOTT, THUNE, COBURN and HATCH for reaching agreement on the difficult issue of citizens petitions. Their amendment prohibits the abuse of the citizens petition process, a process that led to unwarranted delays in the approval process of FDA drugs, while making certain the FDA can review issues that have merit. The list also includes a novel proposal from Senator BROWNBACK and Senator BROWN to encourage the development of new therapies for neglected diseases. Under this innovative and thoughtful proposal, companies that have developed new treatments or vaccines for tropical diseases will receive a credit entitling them to a priority review at FDA for a product of their choosing. The proposal will not raise costs to consumers nor will it change safety standards. It is a very solid, imaginative, and creative approach. I commend Senator HATCH for his amendment on antibiotics, as well Senators BROWN, BURR, STABENOW and others for contributing important proposals to this amendment.

The amendment strikes the right balance between innovation and access, and closes a loophole that eliminated the incentives to bring old but never approved antibiotics to market.

If there were more time, I would describe other amendments on the list, but I simply wish to thank all our colleagues. This issue is a matter of enormous importance and incredible consequence to the safety and security of the American consumer. This legislation brings the FDA into the 21st century. I commend my friend and colleague Senator ENZI for all his work. Most of all, I want to thank our staffs. They have been tireless, over this past week, on a variety of different amendments and prior to that time as we worked our way to the floor of the Senate.

This is a very comprehensive bill. It is enormously important. We believe it will help in providing greater safety for American families, greater innovativeness in terms of breakthrough drugs and in terms of food safety, and greater opportunities for the FDA to have the best science there is.

Mr. President, whatever remaining time that I have, I yield it to the Senator from Vermont.

I yield the floor.

Mr. DORGAN. Mr. President, I will allow the Senator from Kansas, if he would prefer, to proceed for his 5 minutes, asking that I be recognized for 10 minutes following his presentation.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator. I thank the distinguished Senator from Vermont for allowing me to speak.

DISASTER IN GREENSBURG, KANSAS

Mr. ROBERTS. My colleagues, last Friday evening the town of Greensburg, KS, was literally wiped off the map by an enormous, mile-and-a-half, level 5 tornado. As a result of this and storms associated with the system, 12 Kansans are confirmed dead—and I fear that number may still rise—and all of the 1,500 residents of Greensburg have been displaced.

What we have experienced in Greensburg is unlike any other event in recent Kansas history. The hospital is gone. The schools are gone. Every church is gone. Virtually every business in the community is gone, including all of Main Street. Estimates are that fully 95 percent of the structures in the town are damaged and destroyed.

But this is not all. Even as cleanup is starting, more storms continue to pound our State. Flooding and strong storms continue to compound the problem.

Too often, while government does not communicate and work well as partners in times of need and emergency, sometimes we could double that for Congress. However, this weekend my fellow Kansas Congressman and the Governor of Kansas and I all toured the devastated town of Greensburg. We were accompanied by our State's top-notch emergency officials. I spoke extensively with all levels of FEMA, in an effort to make sure they had everything they needed to move into place, and I talked to President Bush to give him a personal update from a McDonald's in Pratt, KS. Let me tell you, there is nothing quite like speaking to the President of the United States from a phonebooth in a local McDonald's to let the surrounding residents know their Government does mean business.

The President has been very supportive. We have been notified by the White House that he will be making a trip to Kansas to personally view the damage and visit with the people of Greensburg. The credit for this not only falls on Federal shoulders but those of our National Guard, all of the first responders, Red Cross, and many volunteers who, along with President Bush and the FEMA team and our State officials, are now working 24/7 to make it possible for the residents of Greensburg to rebuild and return home.

I stood here this winter, following a blizzard that buried much of western Kansas, and proclaimed the resiliency of Kansans, our willingness to help each other and our sheer determination when faced with great odds. That determination is being tested again, but I have no doubt in the coming days and weeks and months that the story of Greensburg will progress from one of horrible tragedy to one of optimism and hope for the future as we help one another rebuild, one brick at a time. It may be possible, indeed likely, that as we move forward, we may need additional emergency assistance or legislation from Congress to assist the residents of the town that no longer exists. I put our Senate leadership and all our colleagues on notice today that we will likely be coming to you with any requests for assistance to rebuild this Kansas community.

DRUG ADVERTISING

Mr. ROBERTS. Mr. President, I thank Chairman KENNEDY, Ranking Member ENZI and all of my colleagues for accepting my amendment to improve the drug advertisement provisions included in S. 1082, the Food and Drug Administration Revitalization Act.

My amendment, replaces the drug advertisement provisions in the underlying bill with what I believe is a more commonsense approach to dealing with prescription drug advertisements.

During the markup of this bill in the HELP Committee a few weeks ago, the chairman and Ranking Member ENZI committed to working with me to address my concerns on this issue. This amendment represents the result of our efforts to achieve an outcome that is acceptable to all of us.

I also want to thank Senators HARKIN, BURR, and COBURN for their leadership on this issue and for cosponsoring my amendment.

Chairman KENNEDY and Ranking Member ENZI, I want to say that I truly appreciate the hard work you both have done in putting together this bill. I know you and your staff have put in many long months of work to get us to this point.

I specifically want to thank David Bowen of Chairman KENNEDY's staff and Amy Muhlberg of Senator ENZI's staff for working so closely with me and my office on finding a resolution on the drug advertising issue. David and Amy, I appreciate your commitment and professionalism in helping us to achieve this compromise.

While I strongly support the goals of this legislation to ensure drug safety and to renew some very important prescription drug and medical device programs, I have serious concerns with provisions in the underlying bill regarding drug advertising. I believe these provisions would infringe on our first amendment rights to free speech.

Of most concern to me is a provision in the underlying bill to give the Secretary the discretion to institute a 2-year ban on advertising for new drugs and related restrictions on drug advertising.

As a former editor and reporter for several newspapers, I feel that these provisions violate the first amendment and would do nothing to address concerns that have been expressed with drug advertising. Instead, we would have a situation where the Secretary would become the editor for all prescription drug advertisements and could ban drug advertising for up to 2 years.

This would certainly put us on a slippery slope to restricting advertisements in other industries, and I don't think that is a responsible approach.

The freedom that is guaranteed to us under the first amendment demands that we carefully consider any proposal that would impose a ban or other limitation on speech. The first amendment says, ''Congress shall make no law . . . abridging the freedom of speech . . . .'' For more than three decades, this protection has been extended to speech in the form of advertising, or commercial speech.

The U.S. Supreme Court has set down an explicit four-part test—known as the Central Hudson test—to determine if a speech restriction violates the first amendment.

I believe the advertising provisions in the underlying bill fail the key parts of that test and my view is supported by constitutional experts, including the American Civil Liberties Union—ACLU, the Washington Legal Foundation and several other constitutional experts.

However, I understand that there are strong concerns with drug advertising. I agree that we have a legitimate interest in ensuring these advertisements are not false or misleading. This is why my amendment takes a reasonable and commonsense approach to deal with drug advertisements.

My amendment stresses the importance of assuring that advertising is accurate and balanced and recognizes that companies should be held accountable if their ads are false or misleading.

My amendment strikes the 2-year moratorium on advertising in the underlying bill and instead allows the Secretary to assess civil monetary penalties—up to $150,000 for the first violation and $300,000 for subsequent violations—on drug companies that produce false or misleading ads.

This will ensure that patients will know truthful and accurate information about new prescription medications in a timely manner, rather than having to wait until 2 years after their arrival in the marketplace.

My amendment also allows the Secretary to require the disclosure of a serious risk or date of approval of the drug in the advertisement if he or she believes the ad would be false or misleading without the disclosures.

My amendment requires that major statements about a drug's side effects, contraindications and effectiveness in television or radio ads be presented in a clear and conspicuous manner so as not to mislead the public.

My amendment also does not change the current language in the underlying bill which allows the Secretary to review direct-to-consumer ads before a drug company disseminates these ads to the public.

This will allow the FDA to comment and provide constructive feedback to companies to ensure their ads are appropriate and not misleading. Many companies are already submitting their ads to the FDA for review.

Truthful and accurate prescription drug ads do provide a benefit to the public. Research has shown that people are more likely to go to the doctor, ask thoughtful questions and discuss sensitive health issues with their doctors as a result of DTC ads.

My amendment ensures these positive aspects of advertising will continue, but also gives the FDA the tools

they need to protect the public from false or misleading prescription drug ads.

The agreement that was accepted today is a fair compromise that addresses the concerns of all of the Members involved.

Again, I thank the chairman and Ranking Member ENZI for their efforts to work on this important issue, and I thank all of my colleagues for accepting my amendment.

I ask unanimous consent to add Senator WEBB as a cosponsor of the Drug Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG IMPORTATION

Mr. DORGAN. Mr. President, if and when we pass the underlying bill, we will have advanced this country's interests, I believe. But if we pass this bill by adding the Cochran amendment, which effectively kills the underlying amendment on which we have now voted cloture last Thursday, dealing with the safe importation of FDA-approved drugs at a much lower price—if we kill that by agreeing to the Cochran amendment, we will have substantially diminished the opportunity to provide for drug safety. That is a fact.

The underlying bill doesn't have in it what we have in the Dorgan-Snowe amendment, for which we have 33 cosponsors. We have pedigree requirements. We have serial requirements to be written on the pill bottles. We have anticounterfeiting measures. We have addressed all of those issues in the amendment. None of those requirements exist today, and none of those will exist with the domestic drug supply or with imported drugs when this legislation passes.

The only way those provisions will exist is if we defeat the Cochran amendment and then pass the amendment that we have offered, allowing for the safe reimportation of prescription drugs, because we put the safety provisions in our amendment.

Mr. President, let me ask unanimous consent to show once again two bottles of Lipitor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is a prescription drug made in Ireland. It is made in Ireland. It is called Lipitor. It is for the reduction of cholesterol. It lowers your cholesterol—the same pill, put in the same bottle, made by the same company, made in the same FDA-approved plant. It has only one difference—only one. That is, this one costs twice as much. Why? Because this one was sent to Canada and this was sent to the United States. The U.S. consumer is told: Congratulations, you get to pay twice as much for the prescription drug.

But that is not unusual. It is happening all the time.

Let's talk about counterfeiting. This is a $20 bill. This is a new $20 bill, you know, the ones we brag about, the ones the mint has press conferences about. We have all kinds of technology in this $20 bill to prevent and prohibit counterfeiters from reproducing this $20 bill.

We can build a technology in a $20 bill to prevent counterfeiting, but we can't do it for medicine? Are you kidding me? What we have provided in this amendment is a series of steps: complete pedigree, serial numbers, RFID technology and anticounterfeiting measures. We can do it for a $20 bill but not for a bottle of medicine? Don't believe it.

We are going to vote at 4 o'clock. The question is going to be: Will the pharmaceutical industry have their way once again, as they have so often?

Let me make a point that is important. The Cochran amendment is already law. It was passed in 2003—in 2003. It already exists in law. The result is the Secretary of Health and Human Services says it can't be implemented because I can't certify there is no risk. The fact is the Secretary can't certify there is no risk with any new drug. He couldn't certify there is no risk with spinach coming from Mexico or strawberries coming from any other country. He couldn't certify there is no risk with any food product being imported. They can't certify there is no risk with the domestic drug supply. In fact, the domestic drug supply, without our amendment, will be dramatically less safe because you will not have the protections we put in this amendment.

The pharmaceutical industry has never wanted them, and the underlying bill doesn't include them. It doesn't include the anticounterfeiting provisions. It doesn't include the pedigree, the serial requirement on the individual bottles to track back. It does not include that. That is a fact.

So don't vote for the Cochran amendment and then tell people you want to allow Americans to import FDA-approved, lower priced drugs. The question is this: Should the American people be paying the highest prices in the world for prescription drugs? The answer is, no; it is not fair.

Why should that be the case, that we should pay the highest prices in the world? So we have put together a piece of legislation—bipartisan, people on both sides of the aisle, 33 cosponsors. Then we are told, well, it is unsafe to do this. It is unsafe.

That is nonsense. It is not unsafe. Europe has done it for 20 years. Europe can do it, but we can't do it? It gives consumers the opportunity to take advantage of the global marketplace.

We are talking about FDA-approved drugs, made in FDA-approved plants, sold all over the world with one difference—price. The American consumers are told they have to pay the highest price. Dr. David Kessler is the expert on this, in my judgment. He was FDA Commissioner for 8 years, the head of the Food and Drug Administration. The Dorgan-Snowe bill ''provides a sound framework for assuring that imported drugs are safe and effective.''

Safe and effective. End of story, in my judgment. I understand the pharmaceutical industry does not want this. I understand that. They want to control prices. Yes, we have price controls in America, not Government price controls but price controls by the pharmaceutical industry.

It is the only industrialized country in the world that I am aware of that says to the drug industry: Price it as you wish. It doesn't matter. You just price it as you wish.

Well, what they have done—I had a hearing. Here is what they told me. They price at the level they price prescription drugs in this country because they can. Because they can. That might sound OK for the bottom line, but what does it mean for the person walking into the grocery store tonight in a small town in the Midwest who does not have much money and has to decide—the pharmacy is at the back of the store—I better go buy the prescription drugs the doctor says I need first to find out how much money I have left for groceries?

It goes on all the time. Many of us believe, Republicans and Democrats, we ought to at least open the global marketplace for consumers to be able to pursue those FDA-approved drugs, made in FDA-approved plants, at lower prices, the prices at which they are sold in virtually every other country in the world. This is unfair to the American consumer. That is the point.

Interestingly, there was a long description of counterfeit drugs in the New York Times this weekend. None of that would be available to report, in my judgment, because it would not have happened if we had had the provisions, the safety provisions we have in the Dorgan-Snowe amendment.

The fact is, you would not have danger in the drug supply because you would have much more money going to the FDA for the purpose of making certain the drug supply is safe. I am not just talking about the imported drugs, I am talking about a drug supply sold in this country, produced here and sold here. The lack of serial numbers, the lack of a pedigree, the lack of effective anticounterfeiting technology, the lack of resources to go after RFID technology, all of that is lacking in the underlying bill.

It is not in the bill. The only way it is going to get there is if we are willing to defeat the Cochran amendment and to pass the amendment I have offered along with many of my colleagues. This is not a new issue. We have come to this issue on many occasions in the past. Each and every time the pharmaceutical industry has been able to trump us with votes on the floor of the Senate or the House. I hope—first I wish, second I hope, and finally I expect, that one of these days we will be able to prevail. One of these days we may be able to win this debate. Maybe it is today at 4 o'clock. I hope so.

Some say, well, there will be no savings with your amendment. Well, the Congressional Budget Office says it is $50 billion in 10 years—$50 billion. Is that a savings? It seems to me it is. Some say, well, this would be unsafe. You cannot prevent counterfeits from coming in.

Once again, we have all of this technology to prevent somebody from counterfeiting a twenty-dollar bill, but we cannot with respect to medicine? Of course we can.

Europe has done it for 20 years in a manner that is safe, but we cannot because we are not as smart as they are. Nonsense. Finally, at last, at long last, I hope this Senate will stand up to the pharmaceutical industry and say this: You are a good industry. We appreciate what you do. We like lifesavings drugs. But lifesavings drugs save no lives if you cannot afford to take them. We do not support your pricing policy. We believe a pricing policy that says to the American consumer: You pay the highest prices in the world, we believe that pricing policy is wrong and you have to change it. That is what I hope the message will be in this Chamber this afternoon.

It is past the time, long past the time, in my judgment, for this Congress to stand up on these issues.

In this case, let's stand up on the side of the American people who have been denied their right to participate in the global economy, to access a safe supply of drugs, FDA-approved, when it is sold in every other country for lower prices.

Let me conclude by pointing out, as I did last week, an old man sitting on a straw bale on a North Dakota farm told me one day, he said: I am in my eighties. My wife has fought breast cancer for 3 years. For 3 years we have driven to Canada to buy her Tamoxifen. Three years we have driven to Canada to buy the Tamoxifen.

You can bring a small supply across the border if you do it personally. Why? Because it costs three-fourths less than it costs in the United States. He said: I save 80 percent by buying it in Canada. Yet for 3 years my wife has had to fight breast cancer and fight the high prices here, and we have had to drive into Canada.

Well, the fact is, most Americans cannot drive to Canada. This bill is for most of the Americans who are paying prices that are too high. They want a safe drug supply, but they, for sure, finally, at long last, want a fair price, one they have not been getting, one they ought to get starting at 4 o'clock today.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me congratulate the Senator for his outstanding leadership on this issue. Let me just pick up right from where he left off. He and I and Senator SNOWE and a number of us have been dealing with this issue for many years. My involvement came in 1999, when I took a busload of Vermonters, including many women who were struggling for their lives with breast cancer.

Many of those women did not have a lot of money, and they also went across the Canadian border. They also purchased Tamoxifen. In those days, the price they paid was one-tenth the price, one-tenth the price compared to what they were paying in the United States. Here you have women struggling for their lives, who do not have a lot of money, and were paying one-tenth the price.

This amendment is a big deal. This amendment will mean that Americans from one end of our country to the other, people with chronic illnesses, senior citizens who run into the doughnut hole, so-called doughnut hole on Medicare Part D, that finally these Americans, our Americans, our people, will no longer continue to be ripped off by the pharmaceutical industry and be forced to pay by far the highest prices in the industrialized world for the same exact medicine which people in Canada, people in Germany, people all over Europe receive at far lower prices—the same medicines, same companies, same factory, except we pay far higher prices.

There is very strong support for this legislation. Millions of Americans are already supporting this legislation by getting into their cars and going over the Canadian border. The AARP and other senior organizations support this amendment. My understanding is that the AARP intends to note on their scorecard that a vote for the Cochran amendment—which is clearly a poison pill—is a vote against reimportation.

I would urge my colleagues, if you disagree with reimportation, vote no. But a vote for the Cochran amendment is, in fact, a vote no.

You have heard from Senator SNOWE. You have heard from Senator DORGAN. The arguments over safety are just not accurate. This bill details in great length an entire regimen as to how we can make sure all of the prescription drugs reimported into the United States are safe and FDA approved.

I always find it remarkable that every day, huge amounts of imported food are coming into this country. I do not hear a hue and cry about whether that food is inspected.

Let me quote from the May 1st New York Times:

> More than 135 countries ship food items to the United States. Canada, Mexico and China have led the way with China shipping nearly five times as much in food items to the United States as it did in 1996.

China is importing more and more food into the United States. Where are the FDA inspectors? Are they all over the farms in China making sure these products are safe? I have not heard one word about that issue. This legislation has built in the strongest prescription drug safety regimen we have ever seen.

Let me tell you what this debate is really about. It is not about prescription drug safety. It is about the power of the pharmaceutical industry, which in a city that has enormously powerful special interests, we have the pharmaceutical industry standing uniquely alone as the most important, if you will, and, in my view, greedy lobby in the entire United States of America. Here it is. Do you want to know what the issue is? Here it is: pharmaceutical industry lobbying.

From 1998 to 2006 they spent $1.1 billion for lobbying; 1998 to 2006, $1.1 billion in lobbying.

The pharmaceutical industry has over 1,000 well-paid lobbyists right here on Capitol Hill: former heads of the Republican Party, former leaders in the Democratic Party. Whenever anybody stands up for justice, whenever anybody stands up to try to lower the cost of prescription drugs in this country so that the American people can afford these lifesaving medicines, these lobbyists descend like locusts on all of our offices in the Senate, in the House. That is what they do.

It is not just the amount of money they spend on lobbying. They spend a substantial amount of money on campaign contributions: From 1990 to 2006, $139 million in campaign contributions; 2006 alone, $19 million. That is power. What this debate is about is not just the need to lower the cost of prescription drugs in America, as important as that is. What this debate is more significantly about is whether the Congress of the United States has the courage to stand up to the greediest, most powerful special interests in this country.

In November the American people went to the polls. They said they want a change in the direction in which this country is moving. Clearly, that election had a lot to do with Iraq. It certainly did. It had a lot to do with global warming, I believe. But it also, in any view, had a lot to do with the understanding that year after year wealthy and powerful special interests have dictated the terms of the debate, have paid for the legislation which has come through the Senate and through the House.

The drug companies have managed to do something rather amazing. Virtually all of the Members of the Senate and the House look at economic issues through two lenses. No. 1, in order to protect consumers, we say: Let there be free market competition. That is the way to lower the costs of the product. And there is truth to that.

The other way that we can protect consumers is through Government regulation. There is certainly truth to that. What the pharmaceutical industry has managed to do is tell us we cannot regulate the pharmaceutical companies. We cannot have Medicare negotiating lower prices with the drug companies. We cannot do that. They have given us all kinds of reasons we cannot do that.

Then they have told us, well, we also cannot do free market competition: No,

you cannot have the local druggist going out and purchasing the product at the best price that he can get, maybe in Canada, maybe Europe. You can't do that. You cannot have regulation. You cannot have free market competition.

Then, on top of all of that, what the drug companies have managed to do is get many billions of dollars in corporate welfare, so the taxpayers of this country subsidize the research and development of many of the most important drugs, while the consumers, the American consumers, get no reasonable pricing despite the many billions of dollars that go into research and development that were paid for by them.

The drug companies get it all. That is what they get. At the end of the day, year after year after year, they are one of the most profitable industries in this country. They are very profitable, and elderly people and working people all over this country find it harder and harder to pay for the prescription drugs they desperately need.

Let us stand with the people. Let's defeat the Cochran amendment and pass the Dorgan amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The 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 premit 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.

Cochran amendment No. 1010 (to amendment No. 990), to protect the health and safety of the public.

Stabenow amendment No. 1011, to insert provisions related to citizens petitions.

Brown (for Brownback/Brown) amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases.

Vitter amendment No. 983, to require counterfeit-resistant technologies for prescription drugs.

Inhofe amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school.

Gregg/Coleman amendment No. 993, to provide for the regulation of Internet pharmacies.

Mr. GRASSLEY. Madam President, we have three critical votes ahead of us this afternoon. These votes mean that today is the day we show the American people whether we can really pass drug importation or whether we are just giving it lip service and nothing else. The Dorgan amendment is the moment American consumers have been waiting for and today is the day.

As I said last week, the Dorgan amendment is the result of a collaborative effort by myself with Senator DORGAN and with Senator SNOWE and Senator KENNEDY to finally make drug importation legal in this country.

This is the golden opportunity this year to get it done.

Now we have heard here on the floor the concerns that some have with drug importation and drug safety. Let me tell you that this is something I take seriously. Everyone who knows me knows that I care deeply about the safety of drugs, and I would not be standing here today urging support for the Dorgan amendment if I didn't think it had the right stuff on drug safety. And it does.

The fact is that the unsafe situation is what we have today.

Today, consumers are ordering drugs over the Internet from who knows where, and the FDA does not have the resources to do much of anything about it.

The fact is that legislation to legalize importation would not only help to lower the cost of prescription drugs for all Americans but also should shut down rogue Internet pharmacies selling unsafe drugs.

The Dorgan amendment would improve drug safety, not threaten it. And it would open up trade to lower cost drugs.

We see news accounts on a regular basis describing Americans who log on to the Internet to purchase drugs from Canada and elsewhere.

In 2004, my staff were briefed about an investigation by the Permanent Subcommittee on Investigations for the Senate Government Affairs Committee.

The Permanent Subcommittee on Investigations conducted an investigation into current drug importation. They found that about 40,000 parcels containing prescription drugs come through the JFK mail facility every single day of the year—40,000 packages each day.

Now, the JFK airport houses the largest International Mail Branch in the United States, but even then it is the tip of the iceberg.

Each day of the year 30,000 packages of drugs enter the United States through Miami, and 20,000 enter through Chicago. That's 50,000 more packages each day.

What is worse, about 28 percent of the drugs coming in are controlled substances.

These are addictive drugs that require close physician supervision.

While most people are ordering their prescriptions from Canada, they are also ordering prescriptions from Brazil, India, Pakistan, the Netherlands, Spain, Portugal, Mexico and Romania.

Although the Federal Food, Drug, and Cosmetic Act prohibits the importation of unapproved, misbranded, or adulterated drugs into the United States, the fact is that thousands of counterfeit and unregulated drugs are seeping through our borders. This is what is happening today.

John Taylor, Associate Commissioner of Regulatory Affairs for the Food and Drug Administration, FDA, in his testimony before the House Committee on Energy and Commerce in June 2003 stated that, ''the growing volume of unapproved imported drugs, which often are generated from sales via the Internet, presents a formidable enforcement challenge.''

Despite the hard work of both the FDA and BCBP to control our borders, the importation of illegal drugs has become an unenforceable problem. That is because today, the FDA does not have the authority or the resources to do much about it. The Dorgan amendment would change that.

The basic approach to assuring the drugs are safe in the Dorgan amendment which I coauthored with him—is to give FDA the ability to verify the drug pedigree back to the manufacturer, require FDA to inspect frequently, and require fees to give FDA the resources to do this.

For imports by individuals from Canada, the bill requires the exporters in Canada to register with FDA and to post a bond that they will lose if they send unsafe drugs. Frequent inspections by FDA ensure compliance.

For commercial imports, American wholesalers and pharmacists must register with FDA and are subject to criminal penalties if they import unsafe drugs. Again, frequent inspections by FDA ensure compliance.

The bill requires manufacturers to inform FDA whether foreign drugs meet FDA standards, and if they don't, the manufacturers have to give FDA the information necessary to evaluate the safety of the drug. If a foreign drug is manufactured in a plant the FDA has not inspected, FDA can inspect it.

The bottom line is the legislation gives the FDA the authority and resources it needs to implement safely the drug importation program set up under this bill.

The fact is that the unsafe situation is what we have today: 40,000 drug packages coming in every day in New York, 30,000 drug packages coming in every day in Miami, and 20,000 drug packages coming in every day in Chicago. That is 90,000 packages with drugs coming in from other countries every single day.

We are already saying yes to drug importation every day that we allow this unregulated and unsafe situation to exist. We say yes to it 90,000 times a day.

What we need to do and what the Dorgan amendment would accomplish is giving the FDA the resources to clean up this mess.

The Dorgan amendment gives the FDA the resources and authority to

crack down on the unsafe and unregulated importation of drugs. That is what we need. That is one of the key reasons I have been working with Senator DORGAN and Senator SNOWE and Senator KENNEDY on this legislation. One of our key aims is to improve drug safety.

I have been doing a lot of work in the area of drug safety, as my colleagues know, and I felt that I should talk about why the Dorgan amendment is important for improving drug safety.

A vote against the Dorgan amendment is a vote in favor of the unsafe situation we have today.

I must also say that a vote for the Cochran amendment is a vote to kill the Dorgan amendment. So a vote in favor of the Cochran amendment is a vote in favor of doing nothing. It is a vote for keeping the unsafe situation we have today.

Congress must act now on legislation that will not only shut down rogue Internet pharmacies selling unsafe drugs to consumers but will also lower the cost of prescription drugs.

Legalizing the importation of prescription drugs through a highly regulated system overseen by FDA will stem the tide of unregulated pharmaceuticals coming into the United States and create a safe and effective system for obtaining low-cost prescription drugs.

The bill before us is the vehicle this year to get it done. The bill we are debating is a must-pass FDA bill. The Senate should send a strong message that we are committed to finally getting it done this year.

And that is what we are working together to do today.

Making it legal for Americans to import their prescription drugs is a top priority at the grassroots. It needs to be a top priority here in Washington.

I have long advocated allowing American consumers access to safe drugs from other countries. I have always considered it a free-trade issue.

Imports create competition and keep domestic industry more responsive to consumers.

In the United States, we import everything consumers want. So that should be the case on prescription drugs.

We need to do it legally and safely. We need to give the FDA the authority and resources to do it. That is what the Dorgan amendment would do.

Consumers in the United States pay far more for prescription drugs than those in other counties.

If Americans could legally and safely access prescription drugs outside the United States, then drug companies will be forced to reevaluate their pricing strategies. They would no longer be able to gouge American consumers by making them pay more than their fair share of the high cost of research and development.

Now, 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 the Dorgan amendment, prescription drug companies will be forced to compete and establish fair prices here in America.

Now some don't want this to happen. And I want to reiterate that there is an attempt to kill drug importation as has been done many times before in this Chamber. I am referring to an amendment by my good friend from Mississippi, Senator COCHRAN. His amendment would require a certification about health and safety. That amendment is designed to kill drug importation once again. It is a clever amendment but it is a poison pill.

Our effort develops an effective and safe system that gives Americans access to lower prices. This amendment requires that all imported drugs be approved by the FDA. The amendment sets a stringent set of safety requirements that must be met before Americans can import drugs from that country. And there are stiff penalties for violating the safety requirements.

Don't be fooled by the Cochran amendment. Voting for the Cochran amendment is a vote to kill drug importation.

With the Dorgan amendment, we are working to get the job done.

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.

Americans are waiting. We must make sure they have access to affordable prescription drugs.

I urge my colleagues to vote against the Cochran amendment and in favor of the Dorgan amendment.

Mrs. CLINTON. Madam President, for many years, the FDA has been considered the gold standard among the world's drug safety bodies. And no one here doubts the desire of the agency's many career employees to continue to carry out its mission of keeping our drug supply safe for all Americans. In the legislation we are considering today, S. 1082, the Food and Drug Administration Revitalization Act, we provide these dedicated employees with the resources necessary to continue their work to ensure the safety and efficacy of drugs and biologic products for Americans.

Despite the dedication of the FDA's employees, we know there have been breakdowns at the agency. We know that, at times, it has taken too long to act when a drug may pose a threat. It took many months from the point when scientists became aware of the elevated risk of adverse cardiovascular events associated with Vioxx and the point when it was withdrawn from the market, during which time the FDA had multiple opportunities to engage in stronger actions to protect consumers.

In recent years, we have seen the scientific process unduly influenced by political or economic factors. When Senator PATTY MURRAY and I worked to secure a decision for over-the-counter availability of Plan B, we saw the ways in which science-based decisionmaking was compromised. The Government Accountability Office has confirmed that the FDA's 2004 decision not to approve over-the-counter sales of Plan B was politically motivated. Concerns about undue influence from factors other than science extend beyond this one example. According to a Union of Concerned Scientists survey, 61 percent of FDA scientists could cite examples of when ''Health and Human Services or FDA political appointees have inappropriately injected themselves into FDA determinations of actions.'' Twenty percent of those responding had been ''asked explicitly by FDA decision makers to provide incomplete, inaccurate, or misleading information ''

Because of these examples, I believe that the American public lost a great deal of confidence in the ability of the agency to ensure the safety of their medications. With this legislation, we can begin the process of rebuilding consumers' confidence in the FDA. Through this bill, we are taking concrete steps to improve drug safety. S. 1082 establishes steps to establish a routine active surveillance system for medications and sets up a process through which the FDA can better manage risks for a range of drugs, from requiring postmarket studies to improving communication about the risks and benefits associated with medications.

In addition to establishing a framework to increase drug safety, we are also working to implement an atmosphere where science guides the agency's decisions. We need to put into place the systems to ensure that employees can engage in the open, evidence-based discourse needed as part of the drug approval and review process—discourse not unduly influenced by political concerns. This legislation goes a long way to doing some of that by increasing the transparency around drug approval decisions, addressing conflicts of interests on advisory committees, and creating a climate that protects the rights of employees to publish in peer-reviewed scientific journals.

I know that many of my colleagues have raised concerns about safety in the context of reimportation of drugs, and I am pleased to note that on this legislation, we have found a way to allow for safe drug reimportation. S. 1082 contains the provisions of Senator DORGAN and SNOWE's Pharmaceutical Access and Drug Safety Act, legislation I am proud to cosponsor. This amendment would establish the framework through which we could phase in drug reimportation from other nations where regulatory authority is similar to that in our country, allowing millions of Americans to safely obtain medically necessary drugs at lower cost.

Americans pay higher prices for the exact same prescription drugs being taken by their counterparts in Canada and Europe. The Congressional Budget Office has found that prices for brand-name prescription drugs are 35 percent to 55 percent higher in the United States. This price disparity affects millions of Americans. Our seniors, many of whom are on fixed incomes, end up spending larger portions of their income on drugs, especially when falling into the ''doughnut hole'' or wrestling with other gaps in a Medicare Part D benefit. And this isn't only a problem for seniors—we have 46 million uninsured individuals in our country, many of whom are unable to afford prescription drugs. Without these drugs, manageable chronic conditions, like asthma or high blood pressure, spiral out of control into serious health problems.

The lack of affordable drugs does not just hurt those who are uninsured or underinsured, but it also places greater pressure upon our health care system. The cost of treating someone in the emergency room is much higher than the cost of a prescription. But the way our system is set up, we don't help people engage in cost-effective disease management by making those drugs affordable, and I believe that we need to examine the ways in which importation can lower costs not only for consumers but for our overall system.

The Dorgan-Snowe amendment contains many provisions that will ensure safety while giving Americans access to cheaper drugs. This bipartisan provision will allow seniors to safely access drugs from Canada starting 90 days after enactment. It will provide the needed authority and funding to the FDA to regulate foreign pharmacies and wholesalers, so that we can be sure that any drugs that enter the United States are safe for our citizens. And it will increase the consumer protections involved with internet pharmacies, so that people who don't live near the border can access imported drugs without being defrauded.

We need to make drug reimportation safe, we need to make drug reimportation unambiguously legal, and we need to do so as quickly as possible. The Dorgan-Snowe amendment would allow us to do all of those things, and I would urge all of my colleagues to support this amendment to the bill.

In addition to the provisions of this legislation dealing with drug safety and reimportation, I am proud to note that the Food and Drug Administration Revitalization Act has an entire title devoted to pediatric issues. I worked with Senators DODD, KENNEDY, and ENZI to craft these provisions, which will be of great benefit to children. The pediatric device provisions will help us improve the number and types of medical devices designed for pediatric populations, and the reauthorization of the Best Pharmaceuticals for Children Act improves the applicability of the pediatric exclusivity incentive and increases the speed through which these studies can be requested by the FDA. When this bill was passed in 2002, I was able to work with Senator DODD and the HELP Committee to increase provisions to assist pediatric cancer research, and I am pleased to be a cosponsor of this legislation this time around.

S. 1082 also contains most of the provisions of the Pediatric Research Improvement Act, a bill that I introduced earlier this year to reauthorize the pediatric rule. Because of this authority, the Food and Drug Administration is able to ensure that drugs that are marketed for children are safe and effective in children.

For the past decade, I have been working to ensure that drugs that are marketed to children are safe and effective in children. As of the early 1990s, only about 20 percent of drugs contained specific pediatric dosing information, but since 1998, we have had over 1,000 drugs fall under the scope of the pediatric rule, resulting in hundreds of studies that have helped us gain valuable data about drugs commonly used by kids.

The reauthorization of the pediatric rule contained in this larger bill will allow us to make additional strides in improving pediatric drug development. We will be able to remove unnecessary bureaucratic barriers and improve the ability of the Food and Drug Administration to require testing on already-marketed drugs when sponsors refuse to carry out such testing under the incentive provided by the Best Pharmaceuticals for Children Act.

It will improve our ability to collect and analyze data about pediatric clinical trials so that we can better evaluate the impact of such trials upon children's health overall, and it will improve the FDA's ability to coordinate the incentives provided under Best Pharmaceuticals for Children Act with the pediatric rule so that these two pediatric programs of the agency can work together more seamlessly.

However, I must note that I am disappointed that this bill does not consider what I believe to be a critical part of the Pediatric Research Improvement Act—the provision which would have made permanent the authority of the FDA to obtain important data through the pediatric rule.

Instead, the legislation before the Senate today contains a sunset of this authority, meaning that if this provision isn't reauthorized 5 years from now, the FDA will no longer be able to ensure that drugs used in children are safe and effective in children.

We would never dream of placing a sunset on the FDA's authority to certify the safety and efficacy of drugs used in adults, and I fail to understand why we impose a different standard on drugs for children, and I will seek to address this issue as the bill moves forward.

We must also improve the FDA's authority in the realm of follow-on biologics. While there is nothing in the version of the legislation that is on the floor today that addresses this issue, Senators KENNEDY and ENZI have made a commitment that we will mark up legislation on this issue on June 13 in the HELP Committee and that we will incorporate this legislation into the conference negotiations on this drug safety bill.

Earlier this year, in conjunction with a number of bipartisan cosponsors, I introduced the Access to Life-Saving Medicine Act, legislation to provide FDA with the authority to approve safe and effective generic versions of biotech drugs. By bringing safe and effective follow-on biologics to the market, we can provide significant savings to patients, employers, and the government.

More than $10 billion worth of biopharmaceuticals will come off patent in the next 5 years, and without this legislation, the manufacturers of these biotech drugs can continue to charge monopoly prices indefinitely. In 2005, the costs of biologics grew 17.5 percent compared to traditional drugs, which increased 10 percent. And in 2006, the Medicare Part B Program spent more than $5 billion on biologic drugs. It is clear that biotech drugs hold great promise, but this promise is wasted if we don't take action to ensure that all Americans have access to safe, effective, and affordable generic versions of these drugs.

According to a report released by Engel and Novitt to the Pharmaceutical Care Management Association, PCMA, passage of this legislation could conservatively save an estimated $14 billion over the next 10 years.

I look forward to working with Senator KENNEDY and my colleagues on the HELP Committee to ensure that we enact legislation that provides the FDA with the authority and flexibility to approve biopharmaceuticals subject to a workable, abbreviated approval pathway that is efficient, effective, and scientifically grounded and that includes measures to ensure timely resolution of patent disputes, as well as adequate incentives for continued innovation.

Another issue that has come up during debate on the Food and Drug Administration Revitalization Act is food safety. Recent illnesses involving E. coli in spinach and lettuce, the discovery of Salmonella in peanut butter, and the importation of unsafe pet food ingredients from China illustrate the continued vulnerability of the American food supply and expose weakness in the FDA's food safety program.

In the latest case, a chemical used in plastic manufacturing was placed in feed material from China, causing the deaths of an unknown number of pets. This chemical was also consumed by 2.7 million chickens and 345 pigs that were slaughtered for human consumption. Our food system must be prepared to effectively prevent the chemicals found in these animals from endangering the health of consumers.

That is why I supported the inclusion of certain provisions in this bill to begin to address many of the agency's problems with food safety, as a prelude to overall committee action on this issue.

I have long been concerned about the siloing of authority at the FDA and Department of Agriculture, and I filed an amendment to this bill which would establish a joint task force between the FDA, U.S. Department of Agriculture, USDA, and the Centers for Disease Control and Prevention (CDC) to improve our response to foodborne illnesses.

According to the CDC, unsafe foods cause an estimated 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths each year. Despite these statistics, safety tests for domestically produced food have dropped nearly 75 percent when compared to the number conducted in 2003. Meanwhile, the number of food imports has grown from under 4 million food import line items in 1993 to nearly 20 million in 2007. We have a situation where inspections are declining, yet the number of outbreaks and contaminations in our food supply is on the rise. The fragmentation in our food safety system must be addressed in order to protect consumers.

With several of my colleagues, I have repeatedly written to the Secretary of Agriculture, the Commissioner of the FDA and the Director of the CDC urging them to create an interagency task force to better enable us to prevent such illnesses. To date, no action has been taken to grant my request. If the delay is due to concerns that these agencies do not have the authority to pursue such authority, I stand prepared, along with many others in the Senate, to provide these agencies with such authority. I look forward to working with my colleagues in the HELP Committee to address concerns about food safety and help restore our Nation's confidence in the ability of both these agencies to protect American consumers.

I would like to close by noting that while the Food and Drug Administration Revitalization Act takes several steps that will improve the agency's ability to ensure the safety and effectiveness of drugs and biologics, it is time that we begin to look at drugs in a new way.

It is not enough that we have drugs that are effective—in order to reduce overall health care costs, we need to understand how these drugs are effective in comparison to each other, in order to assist providers and patients make the best health care decisions.

While the Vioxx controversy highlighted the need for additional safety protections, many of which are contained in the Food and Drug Administration Revitalization Act, it also demonstrates the role comparative effectiveness can play in ensuring the use of the most appropriate treatment for a specific condition. I pushed for inclusion of comparative effectiveness studies in the Medicare Modernization Act. One of the first studies to be carried out under this provision was a systematic review of osteoarthritis drugs, including Cox-2 drugs. If this information had been compiled earlier, it could have helped many evaluate whether to use these drugs, as opposed to other pain relievers, many of which are available at a lower cost without a doctor's prescription.

Comparative effectiveness assists physicians and patients in selecting the best treatment and helps to reduce inappropriate uses of treatments that pose unnecessary safety risks to patients—and more and more people are recognizing its potential in improving health care. Earlier today, the Blue Cross and Blue Shield Association announced their support to create a new, independent entity to explore the effectiveness of new and existing medical procedures, drugs, devices, and biologics. I am grateful for their leadership, and I will be introducing legislation shortly to expand comparative effectiveness research and its use at the Federal level.

I have been involved in the debate over the Food and Drug Administration Revitalization Act for several months now and believe that the product we have produced represents a step forward for safety. I will be supporting this legislation and look forward to working with my colleagues to ensure that we can continue to strengthen this agency, lower prescription drug costs, and maintain a strong commitment to consumer protection and scientific innovation.

AMENDMENT NO. 1010

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate equally divided on amendment No. 1010 offered by the Senator from Mississippi.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, Americans deserve Continued access to safe and effective drugs which are approved by the Food and Drug Administration. A number of recent reports demonstrate that serious problems exist with products from other countries. The New York Times ran a front-page story yesterday about how counterfeit drugs contaminated with an industrial solvent have poisoned hundreds, if not thousands, of people around the world. The toxic syrup has been involved in at least eight mass poisonings around the world in the past two decades, and researchers estimate thousands have died as a result. Most recently an epidemic of contaminated cough syrup was traced back to counterfeit medication from China. The FDA last week issued a warning to U.S. consumers to be especially vigilant because of the risk of the poison reaching the United States. The New York Times article is entitled ''From China to Panama, a Trail of Poisoned Medicine.''

Counterfeit products, those that have been tampered with, or those of unknown origin, should not be brought into this country.

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 have offered a second degree amendment, with bipartisan support, that requires 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.

We have had this issue before the Senate on several previous occasions. In all of these cases, the Senate has adopted this certification amendment overwhelmingly. Safeguards continue to be necessary and are even more important now considering the terrorist threats we face.

I urge the Senate to again support this amendment.

I ask unanimous consent that a copy of the New York Times article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 6, 2007]

FROM CHINA TO PANAMA, A TRAIL OF POISONED MEDICINE

(By Walt Bogdanich and Jake Hooker)

The kidneys fail first. Then the central nervous system begins to misfire. Paralysis spreads, making breathing difficult, then often impossible without assistance. In the end, most victims die. Many of them are children, poisoned at the hands of their unsuspecting parents. The syrupy poison, diethylene glycol, is an indispensable part of the modern world, an industrial solvent and prime ingredient in some antifreeze. It is also a killer. And the deaths, if not intentional, are often no accident.

Over the years, the poison has been loaded into all varieties of medicine—cough syrup, fever medication, injectable drugs—a result of counterfeiters who profit by substituting the sweet-tasting solvent for a safe, more expensive syrup, usually glycerin, commonly used in drugs, food, toothpaste and other products. Toxic syrup has figured in at least eight mass poisonings around the world in the past two decades. Researchers estimate that thousands have died. In many cases, the precise origin of the poison has never been determined. But records and interviews show that in three of the last four cases it was made in China, a major source of counterfeit drugs.

Panama is the most recent victim. Last year, government officials there unwittingly mixed diethylene glycol into 260,000 bottles of cold medicine—with devastating results. Families have reported 365 deaths from the poison, 100 of which have been confirmed so far. With the onset of the rainy season, investigators are racing to exhume as many potential victims as possible before bodies decompose even more. Panama's death toll leads directly to Chinese companies that made and exported the poison as 99.5 percent pure glycerin.

Forty-six barrels of the toxic syrup arrived via a poison pipeline stretching halfway around the world. Through shipping records and interviews with government officials, The New York Times traced this pipeline from the Panamanian port of Colón, back through trading companies in Barcelona,

Spain, and Beijing, to its beginning near the Yangtze Delta in a place local people call ''chemical country.'' The counterfeit glycerin passed through three trading companies on three continents, yet not one of them tested the syrup to confirm what was on the label. Along the way, a certificate falsely attesting to the purity of the shipment was repeatedly altered, eliminating the name of the manufacturer and previous owner. As a result, traders bought the syrup without knowing where it came from, or who made it. With this information, the traders might have discovered—as The Times did—that the manufacturer was not certified to make pharmaceutical ingredients.

An examination of the two poisoning cases last year—in Panama and earlier in China—shows how China's safety regulations have lagged behind its growing role as low-cost supplier to the world. It also demonstrates how a poorly policed chain of traders in country after country allows counterfeit medicine to contaminate the global market.

Last week, the United States Food and Drug Administration warned drug makers and suppliers in the United States ''to be especially vigilant'' in watching for diethylene glycol. The warning did not specifically mention China, and it said there was ''no reason to believe'' that glycerin in this country was tainted. Even so, the agency asked that all glycerin shipments be tested for diethylene glycol, and said it was ''exploring how supplies of glycerin become contaminated.''

China is already being accused by United States authorities of exporting wheat gluten containing an industrial chemical, melamine, that ended up in pet food and livestock feed. The F.D.A recently banned imports of Chinese-made wheat gluten after it was linked to pet deaths in the United States. Beyond Panama and China, toxic syrup has caused mass poisonings in Haiti, Bangladesh, Argentina, Nigeria and twice in India.

In Bangladesh, investigators found poison in seven brands of fever medication in 1992, but only after countless children died. A Massachusetts laboratory detected the contamination after Dr. Michael L. Bennish, a pediatrician who works in developing countries, smuggled samples of the tainted syrup out of the country in a suitcase. Dr. Bennish, who investigated the Bangladesh epidemic and helped write a 1995 article about it for BMJ, formerly known as the British Medical Journal, said that given the amount of medication distributed, deaths ''must be in the thousands or tens of thousands.''

''It's vastly underreported,'' Dr. Bennish said of diethylene glycol poisoning. Doctors might not suspect toxic medicine, particularly in poor countries with limited resources and a generally unhealthy population, he said, adding, ''Most people who die don't come to a medical facility.'' The makers of counterfeit glycerin, which superficially looks and acts like the real thing but generally costs considerably less, are rarely identified, much less prosecuted, given the difficulty of tracing shipments across borders. ''This is really a global problem, and it needs to be handled in a global way,'' said Dr. Henk Bekedam, the World Health Organization's top representative in Beijing.

Seventy years ago, medicine laced with diethylene glycol killed more than 100 people in the United States, leading to the passage of the toughest drug regulations of that era and the creation of the modern Food and Drug Administration. The F.D.A. has tried to help in poisoning cases around the world, but there is only so much it can do. When at least 88 children died in Haiti a decade ago, F.D.A. investigators traced the poison to the Manchurian city of Dalian, but their attempts to visit the suspected manufacturer were repeatedly blocked by Chinese officials, according to internal State Department records. Permission was granted more than a year later, but by then the plant had moved and its records had been destroyed.

''Chinese officials we contacted on this matter were all reluctant to become involved,'' the American Embassy in Beijing wrote in a confidential cable. ''We cannot be optimistic about our chances for success in tracking down the other possible glycerin shipments.''

In fact, The Times found records showing that the same Chinese company implicated in the Haiti poisoning also shipped about 50 tons of counterfeit glycerin to the United States in 1995. Some of it was later resold to another American customer, Avatar Corporation, before the deception was discovered. ''Thank God we caught it when we did,'' said Phil Ternes, chief operating officer of Avatar, a Chicago-area supplier of bulk pharmaceutical and nonmedicinal products. The F.D.A. said it was unaware of the shipment.

In China, the government is vowing to clean up its pharmaceutical industry, in part because of criticism over counterfeit drugs flooding the world markets. In December, two top drug regulators were arrested on charges of taking bribes to approve drugs. In addition, 440 counterfeiting operations were closed down last year, the World Health Organization said.

But when Chinese officials investigated the role of Chinese companies in the Panama deaths, they found that no laws had been broken, according to an official of the nation's drug enforcement agency. China's drug regulation is ''a black hole,'' said one trader who has done business through CNSC Fortune Way, the Beijing-based broker that investigators say was a crucial conduit for the Panama poison.

In this environment, Wang Guiping, a tailor with a ninth-grade education and access to a chemistry book, found it easy to enter the pharmaceutical supply business as a middleman. He quickly discovered what others had before him: that counterfeiting was a simple way to increase profits. And then people in China began to die.

CHEATING THE SYSTEM

Mr. Wang spent years as a tailor in the manufacturing towns of the Yangtze Delta, in eastern China. But he did not want to remain a common craftsman, villagers say. He set his sights on trading chemicals, a business rooted in the many small chemical plants that have sprouted in the region. ''He didn't know what he was doing,'' Mr. Wang's older brother, Wang Guoping, said in an interview. ''He didn't understand chemicals.'' But he did understand how to cheat the system. Wang Guiping, 41, realized he could earn extra money by substituting cheaper, industrial-grade syrup—not approved for human consumption—for pharmaceutical grade syrup. To trick pharmaceutical buyers, he forged his licenses and laboratory analysis reports, records show.

Mr. Wang later told investigators that he figured no harm would come from the substitution, because he initially tested a small quantity. He did it with the expertise of a former tailor. He swallowed some of it. When nothing happened, he shipped it.

One company that used the syrup beginning in early 2005 was Qiqihar No.2 Pharmaceutical, about 1,000 miles away in Heilongjiang Province in the northeast. A buyer for the factory had seen a posting for Mr. Wang's syrup on an industry Web site.

After a while, Mr. Wang set out to find an even cheaper substitute syrup so he could increase his profit even more, according to a Chinese investigator. In a chemical book he found what he was looking for: another odorless syrup—diethylene glycol. At the time, it sold for 6,000 to 7,000 yuan a ton, or about $725 to $845, while pharmaceutical-grade syrup cost 15,000 yuan, or about $1,815, according to the investigator.

Mr. Wang did not taste-test this second batch of syrup before shipping it to Qiqihar Pharmaceutical, the government investigator said, adding, ''He knew it was dangerous, but he didn't know that it could kill.''

The manufacturer used the toxic syrup in five drug products: ampules of Amillarisin A for gall bladder problems; a special enema fluid for children; an injection for blood vessel diseases; an intravenous pain reliever; and an arthritis treatment.

In April 2006, one of southern China's finest hospitals, in Guangzhou, Guangdong Province, began administering Amillarisin A. Within a month or so, at least 18 people had died after taking the medicine, though some had already been quite sick.

Zhou Jianhong, 33, said his father took his first dose of Amillarisin A on April 19. A week later he was in critical condition. ''If you are going to die, you want to die at home,'' Mr. Zhou said. ''So we checked him out of the hospital.'' He died the next day. ''Everybody wants to invest in the pharmaceutical industry and it is growing, but the regulators can't keep up,'' Mr. Zhou said. ''We need a system to assure our safety.'' The final death count is unclear, since some people who took the medicine may have died in less populated areas.

In a small town in Sichuan Province, a man named Zhou Lianghui said the authorities would not acknowledge that his wife had died from taking tainted Amillarisin A. But Mr. Zhou, 38, said he matched the identification number on the batch of medicine his wife received with a warning circular distributed by drug officials. ''You probably cannot understand a small town if you are in Beijing,'' Zhou Lianghui said in a telephone interview. ''The sky is high, and the emperor is far away. There are a lot of problems here that the law cannot speak to.''

The failure of the government to stop poison from contaminating the drug supply caused one of the bigger domestic scandals of the year. Last May, China's premier, Wen Jiabao, ordered an investigation of the deaths, declaring, ''The pharmaceutical market is in disorder.''

At about the same time, 9,000 miles away in Panama, the long rainy season had begun. Anticipating colds and coughs, the government health program began manufacturing cough and antihistamine syrup. The cough medicine was sugarless so that even diabetics could use it. The medicine was mixed with a pale yellow, almost translucent syrup that had arrived in 46 barrels from Barcelona on the container ship Tobias Maersk. Shipping records showed the contents to be 99.5 percent pure glycerin. It would be months and many deaths later before that certification was discovered to be pure fiction.

A MYSTERIOUS ILLNESS

Early last September, doctors at Panama City's big public hospital began to notice patients exhibiting unusual symptoms. They initially appeared to have Guillain-Barré syndrome, a relatively rare neurological disorder that first shows up as a weakness or tingling sensation in the legs. That weakness often intensifies, spreading upward to the arms and chest, sometimes causing total paralysis and an inability to breathe.

The new patients had paralysis, but it did not spread upward. They also quickly lost their ability to urinate, a condition not associated with Guillain-Barré. Even more unusual was the number of cases. In a full year,

doctors might see eight cases of Guillain-Barré, yet they saw that many in just two weeks. Doctors sought help from an infectious disease specialist, Nestor Sosa, an intense, driven doctor who competes in triathlons and high-level chess.

Dr. Sosa's medical specialty had a long, rich history in Panama, once known as one of the world's unhealthiest places. In one year in the late 1800s, a lethal mix of yellow fever and malaria killed nearly 1 in every 10 residents of Panama City. Only after the United States managed to overcome those mosquito-borne diseases was it able to build the Panama Canal without the devastation that undermined an earlier attempt by the French. The suspected Guillain-Barré cases worried Dr. Sosa. ''It was something really extraordinary, something that was obviously reaching epidemic dimensions in our hospital,'' he said.

With the death rate from the mystery illness near 50 percent, Dr. Sosa alerted the hospital management, which asked him to set up and run a task force to handle the situation. The assignment, a daunting around-the-clock dash to catch a killer, was one he eagerly embraced. Several years earlier, Dr. Sosa had watched as other doctors identified the cause of another epidemic, later identified as hantavirus, a pathogen spread by infected rodents. ''I took care of patients but I somehow felt I did not do enough,'' he said. The next time, he vowed, would be different. Dr. Sosa set up a 24–hour ''war room'' in the hospital, where doctors could compare notes and theories as they scoured medical records for clues. As a precaution, the patients with the mystery illness were segregated and placed in a large empty room awaiting renovation. Health care workers wore masks, heightening fears in the hospital and the community.

''That spread a lot of panic,'' said Dr. Jorge Motta, a cardiologist who runs the Gorgas Memorial Institute, a widely respected medical research center in Panama. ''That is always a terrifying thought, that you will be the epicenter of a new infectious disease, and especially a new infectious disease that kills with a high rate of death, like this.'' Meanwhile, patients kept coming, and hospital personnel could barely keep up. ''I ended up giving C.P.R.,'' Dr. Sosa said. ''I haven't given C.P.R. since I was a resident, but there were so many crises going on.'' Frightened hospital patients had to watch others around them die for reasons no one understood, fearing that they might be next. As reports of strange Guillain-Barré symptoms started coming in from other parts of the country, doctors realized they were not just dealing with a localized outbreak.

Pascuala Pérez de González, 67, sought treatment for a cold at a clinic in Coclé Province, about a three-hour drive from Panama City. In late September she was treated and sent home. Within days, she could no longer eat; she stopped urinating and went into convulsions. A decision was made to take her to the public hospital in Panama City, but on the way she stopped breathing and had to be resuscitated. She arrived at the hospital in a deep coma and later died.

Medical records contained clues but also plenty of false leads. Early victims tended to be males older than 60 and diabetic with high blood pressure. About half had been given Lisinopril, a blood pressure medicine distributed by the public health system. But many who did not receive Lisinopril still got sick. On the chance that those patients might have forgotten that they had taken the drug, doctors pulled Lisinopril from pharmacy shelves—only to return it after tests found nothing wrong. Investigators would later discover that Lisinopril did play an important, if indirect role in the epidemic, but not in the way they had imagined.

A MAJOR CLUE

One patient of particular interest to Dr. Sosa came into the hospital with a heart attack, but no Guillain-Barré-type symptoms. While undergoing treatment, the patient received several drugs, including Lisinopril. After a while, he began to exhibit the same neurological distress that was the hallmark of the mystery illness. ''This patient is a major clue,'' Dr. Sosa recalled saying. ''This is not something environmental, this is not a folk medicine that's been taken by the patients at home. This patient developed the disease in the hospital, in front of us.'' Soon after, another patient told Dr. Sosa that he, too, developed symptoms after taking Lisinopril, but because the medicine made him cough, he also took cough syrup—the same syrup, it turned out, that had been given to the heart patient. ''I said this has got to be it,'' Dr. Sosa recalled. ''We need to investigate this cough syrup.'' The cough medicine had not initially aroused much suspicion because many victims did not remember taking it. ''Twenty-five percent of those people affected denied that they had taken cough syrup, because it's a nonevent in their lives,'' Dr. Motta said.

Investigators from the United States Centers for Disease Control and Prevention, who were in Panama helping out, quickly put the bottles on a government jet and flew them to the United States for testing. The next day, Oct. 11, as Panamanian health officials were attending a news conference, a Blackberry in the room went off. The tests, the C.D.C. was reporting, had turned up diethylene glycol in the cough syrup. The mystery had been solved. The barrels labeled glycerin turned out to contain poison.

Dr. Sosa's exhilaration at learning the cause did not last long. ''It's our medication that is killing these people,'' he said he thought. ''It's not a virus, it's not something that they got outside, but it was something we actually manufactured.''

A nationwide campaign was quickly begun to stop people from using the cough syrup. Neighborhoods were searched, but thousands of bottles either had been discarded or could not be found. As the search wound down, two major tasks remained: count the dead and assign blame. Neither has been easy. A precise accounting is all but impossible because, medical authorities say, victims were buried before the cause was known, and poor patients might not have seen doctors. Another problem is that finding traces of diethylene glycol in decomposing bodies is difficult at best, medical experts say. Nonetheless, an Argentine pathologist who has studied diethylene glycol poisonings helped develop a test for the poison in exhumed bodies. Seven of the first nine bodies tested showed traces of the poison, Panamanian authorities said.

With the rainy season returning, though, the exhumations are about to end. Dr. José Vicente Pachar, director of Panama's Institute of Legal Medicine and Forensic Sciences, said that as a scientist he would like a final count of the dead. But he added, ''I should accept the reality that in the case of Panama we are not going to know the exact number.''

Local prosecutors have made some arrests and are investigating others connected to the case, including officials of the import company and the government agency that mixed and distributed the cold medicine. ''Our responsibilities are to establish or discover the truth,'' said Dimas Guevara, the homicide investigator guiding the inquiry. But prosecutors have yet to charge anyone with actually making the counterfeit glycerin. And if the Panama investigation unfolds as other inquiries have, it is highly unlikely that they ever will.

A SUSPECT FACTORY

Panamanians wanting to see where their toxic nightmare began could look up the Web site of the company in Hengxiang, China, that investigators in four countries have identified as having made the syrup—the Taixing Glycerine Factory. There, under the words ''About Us,'' they would see a picture of a modern white building nearly a dozen stories tall, adorned by three arches at the entrance. The factory, the Web site boasts, ''can strictly obey the contract and keep its word.'' But like the factory's syrup, all is not as it seems.

There are no tall buildings in Hengxiang, a country town with one main road. The factory is not certified to sell any medical ingredients, Chinese officials say. And it looks nothing like the picture on the Internet. In reality, its chemicals are mixed in a plain, one-story brick building. The factory is in a walled compound, surrounded by small shops and farms. In the spring, nearby fields of rape paint the countryside yellow. Near the front gate, a sign over the road warns, ''Beware of counterfeits.'' But it was posted by a nearby noodle machine factory that appears to be worried about competition. The Taixing Glycerine Factory bought its diethylene glycol from the same manufacturer as Mr. Wang, the former tailor, the government investigator said. From this spot in China's chemical country, the 46 barrels of toxic syrup began their journey, passing from company to company, port to port and country to country, apparently without anyone testing their contents.

Traders should be thoroughly familiar with their suppliers, United States health officials say. ''One simply does not assume that what is labeled is indeed what it is,'' said Dr. Murray Lumpkin, deputy commissioner for international and special programs for the Food and Drug Administration. In the Panama Case, names of suppliers were removed from shipping documents as they passed from one entity to the next, according to records and investigators. That is a practice some traders use to prevent customers from bypassing them on future purchases, but it also hides the provenance of the product. The first distributor was the Beijing trading company, CNSC Fortune Way, a unit of a state-owned business that began by supplying goods and services to Chinese personnel and business officials overseas.

As China's market reach expanded, Fortune Way focused its business on pharmaceutical ingredients, and in 2003, it brokered the sale of the suspect syrup made by the Taixing Glycerine Factory. The manufacturer's certificate of analysis showed the batch to be 99.5 percent pure. Whether the Taixing Glycerine Factory actually performed the test has not been publicly disclosed. Original certificates of analysis should be passed on to each new buyer, said Kevin J. McGlue, a board member of the International Pharmaceutical Excipients Council. In this case, that was not done.

Fortune Way translated the certificate into English, putting its name—not the Taixing Glycerine Factory's—at the top of the document, before shipping the barrels to a second trading company, this one in Barcelona. Li Can, managing director at Fortune Way, said he did not remember the transaction and could not comment, adding, ''There is a high volume of trade.'' Upon receiving the barrels in September 2003, the Spanish company, Rasfer International, did not test the contents, either. It copied the chemical analysis provided by Fortune Way, then put its logo on it. Ascension Criado, Rasfer's manager, said in an e-mail response to written questions that when Fortune Way shipped the syrup, it did not say who made

it. Several weeks later, Rasfer shipped the drums to a Panamanian broker, the Medicom Business Group. ''Medicom never asked us for the name of the manufacturer,'' Ms. Criado said.

A lawyer for Medicam, Valentín Jaén, said his client was a victim, too. ''They were tricked by somebody,'' Mr. Jaén said. ''They operated in good faith.'' In Panama, the barrels sat unused for more than two years, and officials said Medicam improperly changed the expiration date on the syrup. During that time, the company never tested the product. And the Panamanian government, which bought the 46 barrels and used them to make cold medicine, also failed to detect the poison, officials said. The toxic pipeline ultimately emptied into the bloodstream of people like Ernesto Osorio, a former high school teacher in Panama City. He spent two months in the hospital after ingesting poison cough syrup last September.

Just before Christmas, after a kidney dialysis treatment, Mr. Osorio stood outside the city's big public hospital in a tear-splattered shirt, describing what his life had become. ''I'm not an eighth of what I used to be,'' Mr. Osorio said, his partly paralyzed face hanging like a slab of meat. ''I have trouble walking. Look at my face, look at my tears.'' The tears, he said apologetically, were not from emotion, but from nerve damage. And yet, Mr. Osorio knows he is one of the lucky victims. ''They didn't know how to keep the killer out of the medicine,'' he said simply.

While the suffering in Panama was great, the potential profit—at least for the Spanish trading company, Rasfer—was surprisingly small. For the 46 barrels of glycerin, Rasfer paid Fortune Way $9,900, then sold them to Medicom for $11,322, according to records.

Chinese authorities have not disclosed how much Fortune Way and the Taixing Glycerine Factory made on their end, or how much they knew about what was in the barrels.

''The fault has to be traced back to areas of production,'' said Dr. Motta, the cardiologist in Panama who helped uncover the source of the epidemic. ''This was my plea—please, this thing is happening to us, make sure whoever did this down the line is not doing it to Peru or Sierra Leone or some other place.''

A COUNTERFEITER'S CONFESSION

The power to prosecute the counterfeiters is now in the hands of the Chinese. Last spring, the government moved quickly against Mr. Wang, the former tailor who poisoned Chinese residents. The authorities caught up with him at a roadblock in Taizhou, a city just north of Taixing, in chemical country. He was weak and sick, and he had not eaten in two days. Inside his white sedan was a bankbook and cash. He had fled without his wife and teenage son.

Chinese patients were dead, a political scandal was brewing and the authorities wanted answers. Mr. Wang was taken to a hospital. Then, in long sessions with investigators, he gave them what they wanted, explaining his scheme, how he tested industrial syrup by drinking it, how he decided to use diethylene glycol and how he conned pharmaceutical companies into buying his syrup, according to a government official who was present for his interrogation. ''He made a fortune, but none of it went to his family,'' said Wang Xiaodong, a former village official who knows Mr. Wang and his siblings. ''He liked to gamble.''

Mr. Wang remains in custody as the authorities decide whether he should be put to death. The Qiqihar drug plant that made the poisonous medicine has been closed, and five employees are now being prosecuted for causing ''a serious accident.'' In contrast to the Wang Guiping investigation, Chinese authorities have been tentative in acknowledging China's link to the Panama tragedy, which involved a state-owned trading company. No one in China has been charged with committing the fraud that ended up killing so many in Panama.

Sun Jing, the pharmaceutical program officer for the World Health Organization in Beijing, said the health agency sent a fax ''to remind the Chinese government that China should not be selling poisonous products overseas.'' Ms. Sun said the agency did not receive an official reply.

Last fall, at the request of the United States—Panama has no diplomatic relations with China—the State Food and Drug Administration of China investigated the Taixing Glycerine Factory and Fortune Way. The agency tested one batch of glycerin from the factory, and found no glycerin, only diethylene glycol and two other substances, a drug official said. Since then, the Chinese drug administration has concluded that it has no jurisdiction in the case because the factory is not certified to make medicine. The agency reached a similar conclusion about Fortune Way, saying that as an exporter it was not engaged in the pharmaceutical business. ''We did not find any evidence that either of these companies had broken the law,'' said Yan Jiangying, a spokeswoman for the drug administration. ''So a criminal investigation was never opened.''

A drug official said the investigation was subsequently handed off to an agency that tests and certifies commercial products—the General Administration of Quality Supervision, Inspection and Quarantine. But the agency acted surprised to learn that it was now in charge. ''What investigation?'' asked Wang Jian, director of its Taixing branch. ''I'm not aware of any investigation involving a glycerin factory.'' Besides, Huang Tong, an investigator in that office, said, ''We rarely get involved in products that are sold for export. '' Wan Qigang, the legal representative for the Taixing Glycerine Factory, said in an interview late last year that the authorities had not questioned him about the Panama poisoning, and that his company made only industrial-grade glycerin. ''I can tell you for certain that we have no connection with Panama or Spain,'' Mr. Wan said. But in recent months, the Glycerine Factory has advertised 99.5 percent pure glycerin on the Internet.

Mr. Wan recently declined to answer any more questions. ''If you come here as a guest, I will welcome you,'' Mr . Wan said. ''But if you come again wanting to talk about this matter, I will make a telephone call.'' A local government official said Mr. Wan was told not to grant interviews. A five-minute walk away, another manufacturer, the Taixing White Oil Factory, also advertises medical glycerin on the Internet, yet it, too, has no authorization to make it. The company's Web site says its products have been exported to America, Australia and Italy.''

Ding Xiang, who represents the White Oil Factory, denied that his company made pharmaceutical-grade glycerin, but he said chemical trading companies in Beijing often called, asking for it. ''They want us to mark the barrels glycerin,'' Mr. Ding said in late December. ''I tell them we cannot do that.'' Mr. Ding said he stopped answering calls from Beijing. ''If this stuff is taken overseas and improperly used. . . .'' He did not complete the thought. In chemical country, product names are not always what they seem. ''The only two factories in Taixing that make glycerin don't even make glycerin,'' said Jiang Peng, who oversees inspections and investigations in the Taixing branch of the State Food and Drug Administration. ''It is a different product.''

ALL IN A NAME

One lingering mystery involves the name of the product made by the Taixing Glycerine Factory. The factory had called its syrup ''TD'' glycerin. The letters TD were in virtually all the shipping documents. What did TD mean?

Spanish medical authorities concluded that it stood for a manufacturing process. Chinese inspectors thought it was the manufacturer's secret formula. But Yuan Kailin, a former salesman for the factory, said he knew what the TD meant because a friend and former manager of the factory, Ding Yuming, had once told him. TD stood for the Chinese word ''tidai'' (pronounced tee-die), said Mr. Yuan, who left his job in 1998 and still lives about a mile from the factory. In Chinese, tidai means substitute. A clue that might have revealed the poison, the counterfeit product, was hiding in plain sight. It was in the product name.

Mr. KENNEDY. Madam President, if I could have the attention of the Senate, I was going to ask consent about a managers' amendment. Is it the intention of the Senator from North Dakota to object?

Mr. DORGAN. Am I to be recognized for 1 minute at this point?

Mr. COCHRAN. Madam President, point of order: What is the order?

The PRESIDING OFFICER. The order is 2 minutes of debate equally divided.

Mr. COCHRAN. One minute is consumed so that is all that remains; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. The Senator's point is I am entitled to 1 minute.

The PRESIDING OFFICER. The Senator is entitled to 1 minute.

Mr. KENNEDY. I yield a minute to the Senator from North Dakota.

Mr. DORGAN. Madam President, I rise in opposition to the Cochran amendment. The Cochran amendment has been law since 2003. The Secretary cannot certify as a result of it. So it is an amendment that will void anything that is in the bipartisan legislation we have offered to try to make imported drugs, FDA-approved drugs, at a lower price available to American consumers. All Senator COCHRAN described would be dealt with by the safety amendments in our amendment. If his amendment prevails, none of the safety issues—pedigree, certification, anti-counterfeiting—in our amendment will survive. That is the problem. If we stand with the American people who want lower drug prices—a safe drug supply, FDA approved—and believe they should not be paying the highest prices in the world, vote against the Cochran amendment and for the underlying Dorgan-Snowe amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1010.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), the Senator from Rhode Island (Mr. REED), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted ''yea.''

The result was announced—yeas 49, nays 40, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—49

Alexander	Domenici	McConnell
Baucus	Enzi	Menendez
Bayh	Graham	Mikulski
Bennett	Gregg	Murkowski
Bond	Hagel	Murray
Bunning	Hatch	Nelson (NE)
Burr	Hutchison	Roberts
Cantwell	Isakson	Rockefeller
Carper	Kennedy	Salazar
Chambliss	Kerry	Specter
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Thomas
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	
Dole	Martinez	

NAYS—40

Akaka	Feingold	Sanders
Bingaman	Feinstein	Schumer
Boxer	Grassley	Sessions
Brown	Harkin	Shelby
Byrd	Inouye	Smith
Cardin	Klobuchar	Snowe
Casey	Kohl	Stabenow
Clinton	Leahy	Thune
Collins	Levin	Vitter
Conrad	Lott	Webb
Craig	McCaskill	Whitehouse
DeMint	Nelson (FL)	Wyden
Dorgan	Pryor	
Durbin	Reid	

NOT VOTING—11

Allard	Ensign	Obama
Biden	Inhofe	Reed
Brownback	Johnson	Tester
Dodd	McCain	

The amendment (No. 1010) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote, and 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.

Mr. KENNEDY. Madam President, I request that the next vote be a 10-minute vote.

The PRESIDING OFFICER. That request has been granted.

AMENDMENT NO. 990

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate, equally divided, on amendment No. 990, offered by the Senator from North Dakota, as amended.

Who yields time?

Since no one yields time, time will be equally charged to both sides.

Mr. KENNEDY. Madam President, we yield back the remaining time, all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I think we are ready to voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 990, as amended.

The amendment (No. 990), as amended, was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I ask unanimous consent that the managers' amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Madam President, reserving the right to object, we received the managers' amendment about 30 minutes ago and I am still reviewing some of the amendments. I object at this point.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, there will be 2 minutes for debate equally divided prior to the vote on the motion to invoke cloture on the substitute amendment to S. 1082.

Who yields time?

Mr. BYRD. May we have order. May we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Madam President, again, I thank all of the membership for their cooperation. We have been on this legislation for 1 week. We believe we have a managers' amendment which reflects the best judgment of Senator ENZI and myself and we will offer that at the appropriate time. I mentioned earlier during the debate and discussion, the essence of the managers' amendment. I think we probably have possibly two more votes that might require rollcall votes and then we would go to final passage. I think we have broad support for this legislation which is so essential if we are going to bring the FDA into the 21st century, and if we are going to assure safety for the prescription drugs our families take, insist on a safe food supply, and ensure that the FDA has the best in terms of science.

I again thank my friend and colleague from Wyoming. I hope we can get a strong vote in favor of this bill.

Mr. BYRD. Madam President, may we have order.

The PRESIDING OFFICER. Could we please have order.

Mr. BYRD. Would the Senator mind saying that again, please.

Mr. KENNEDY. Madam President, 30 seconds. I was reminding the membership, as the Senator from West Virginia knows, this bill is going to ensure the safety of our pharmaceutical products. It is going to ensure the safety of our food products. It is going to insist that the FDA promote the latest in terms of science. We need to push the FDA into the 21st century, and this legislation will do it.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am all for pulling or pushing the FDA into whatever century we determine at this point. I only pointed out that I wish to review some of the managers' package that deals with ginseng, baby turtles, tanning beds, and more, and I want a bit of time—and perhaps others would if they don't know these amendments exist—to take a look at the amendments.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, on our side of the aisle I do appreciate the tremendous amount of effort Senator KENNEDY and his staff and many others on the other side of the aisle who have worked with those of us on this side of the aisle to get particularly the major concerns that were brought up during the markup in committee taken care of. There are tremendous amounts of things in here both sides have worked on and in some cases come up with a third way of doing it. I think we are on the right track here. The product will make a huge difference in the bill, and I hope we can move forward.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment, as modified, to S. 1082, the FDA Revitalization bill.

Ted Kennedy, Dick Durbin, Byron L. Dorgan, B.A. Mikulski, Patty Murray, Claire McCaskill, Amy Klobuchar, Sherrod Brown, Jack Reed, Herb Kohl, Charles Schumer, Christopher Dodd, Barbara Boxer, Bill Nelson, Jeff Bingaman, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the committee substitute amendment to S. 1082, as modified, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN),

the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted ''nay.''

The yeas and nays resulted—yeas 82, nays 8, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—82

Akaka	Durbin	Menendez
Alexander	Enzi	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Bennett	Graham	Nelson (FL)
Bingaman	Gregg	Nelson (NE)
Bond	Hagel	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Bunning	Hutchison	Roberts
Burr	Inouye	Rockefeller
Byrd	Isakson	Salazar
Cantwell	Kennedy	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shelby
Chambliss	Kohl	Smith
Clinton	Kyl	Specter
Coburn	Landrieu	Stabenow
Cochran	Lautenberg	Stevens
Coleman	Leahy	Sununu
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Whitehouse
Crapo	Martinez	Wyden
Dole	McCaskill	
Domenici	McConnell	

NAYS—8

Casey	Grassley	Vitter
DeMint	Sanders	Webb
Dorgan	Snowe	

NOT VOTING—10

Allard	Ensign	Obama
Biden	Inhofe	Tester
Brownback	Johnson	
Dodd	McCain	

The PRESIDING OFFICER. On this question, the yeas are 82, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. Madam President, as far as I know, on this side, I think we have one amendment. We are inquiring of the Senator to see whether it will be offered. I think Senator ENZI can speak for the other side. We still have to work through the managers' amendment. I want to make it very clear that we are glad to get into the details of all that. I tried to summarize the managers' amendment. It involves a great many ideas from our side of the aisle. So, hopefully, we will be able to move that process.

I know Members want to know how we are going to proceed now through the afternoon. We have good attendance, and we would like to at least give the membership an idea about how we are going to proceed. We have been on this legislation now for a week, and we have made very good progress. I think the vote on cloture demonstrates the strong support for this underlying legislation.

We would like to move this legislation in a timely way and not delay it needlessly. So we will inquire of our colleagues further—if they have amendments, hopefully, they will let us know. Hopefully, we will have the opportunity to deal with the managers' amendment in a timely way. It would be unfortunate if we did not, since we have given assurance to Members on both sides of the aisle and worked long and hard with them to try to get this through. Obviously, any Senator is entitled to review the managers' amendment. We are getting very close to the point where we are prepared to move along with this legislation. This would seriously compromise a lot of colleagues who voted with the assurance that we were going to move ahead. We are more than delighted to get into the description of these various amendments and explain why we have recommended them. I hope we will not have delay for delay's sake, but that we will find a way to move forward.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I ask the managers through the Chair—I have about a 10-minute speech on another subject I would like to make at an appropriate time. I don't want to interfere with the progress of the bill. I ask the Chair whether now would be an appropriate time or whether they would like me to wait.

Mr. KENNEDY. Madam President, I think it would be appropriate for the Senator to speak now. I thank him for his courtesy.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENGLISH: OUR NATIONAL LANGUAGE

Mr. ALEXANDER. Madam President, at the end of March, the U.S. Equal Employment Opportunity Commission sued the Salvation Army for allegedly discriminating against two of the Salvation Army's employees in a Boston-area thrift store by requiring them to speak English on the job. This lawsuit means that every business in America, from the shoe shop to Wal-Mart, will need to hire lawyers to prove it has a legitimate business purpose if that business wants to require employees to speak our national language while at work.

I asked the chair of the EEOC in what language she holds staff meetings. She said, in English.

We conduct Senate debates in English.

Since 1906, no immigrant has been able to become an American citizen without first learning English. At Hillsboro High School in Nashville, where my daughter graduated, students speak 28 native languages, but classes are conducted in English.

Federal law requires that all children in public schools be tested in English, and that if they do not know English, they must learn it as soon as possible.

Over the last 40 years, I have voted for or supported, I believe, almost every civil rights or anti-discrimination law that has been offered. But in America, requiring English in the workplace is not discrimination; it is common sense. More important, it is our common language. Our common language helps unite the diversity in this Nation of immigrants.

That is why, during the debate on immigration a year ago, the Senate adopted my proposals: First, to provide $500 grants to help prospective citizens learn basic English; second, to allow someone who becomes fluent in English to become a citizen after 4 years instead of 5.

The Senate also declared English to be America's national language and provided that anyone illegally here must first learn English before gaining legal status.

A few Senators said we were wasting our time debating national unity and language. But other nations are discovering just how important and difficult it is to unite one's country. Look at how today Turkey is struggling with whether to become more secular or more Muslim, struggling with what to do about its Kurdish minority. Germans are struggling to absorb Turkish workers. Italians are establishing agencies to help new Muslim residents ''feel Italian.'' Three alienated British citizens, children of Pakistani immigrants, blew up a London subway 2 years ago. The children of disaffected Muslim immigrants in France burned cars during that country's elections this weekend, a small echo of much larger riots 2 years ago.

We Americans are rightly proud of our diversity. But Iraq and Jerusalem and the Balkans are also diverse. America's greatest accomplishment is not our magnificent diversity. Our greatest accomplishment is that we have united that diversity into one country.

Our original national motto inscribed in the wall right above the Presiding Officer's chair is ''One from Many,'' not ''Many from One.''

Most nations unite around ancestry or race, making it hard for newcomers. Imagine ''becoming Japanese'' or ''becoming German.'' In other words, the United States Constitution says race or ancestry can have nothing to do with someone becoming an American. Instead, American unity is based upon ideas, principles found in our founding documents—such as liberty, equal opportunity, and the rule of law. New citizens must, therefore, pass an exam, which was recently improved, about the Declaration of Independence, our Constitution, and United States history.

The first Europeans in America were French and Spanish, but our cultural beginnings and primary institutions

and laws were Protestant and English. So English became the way Americans of many backgrounds communicated with one another.

In the 20th century, according to the late president of the American Federation of Teachers, Albert Shanker, American common—or public—schools were created primarily to help immigrant children learn arithmetic and to read and write in English with the hope that they would go home and teach their parents. Then, in 1906, all new citizens were required to know English.

That has turned out to be a fortunate choice. English has also become a unifying language internationally. For example, every Chinese student is expected to study English. When Carlos Ghosn, who speaks several languages, became chief executive officer of Nissan, he began conducting business meetings in Nissan's Tokyo headquarters in English.

The most fortunate children in our country are those who grow up learning more than one language, but American parents know that one of those must be English. Mastering English is how an American succeeds in school, in the workplace, on the computer, and in international affairs.

A century ago, many American companies and private associations led an effort to Americanize new immigrants. They taught their employees English and the National Anthem. Today, the EEOC is suing the Salvation Army for doing the very same thing, insisting that its employees learn and speak this country's common language.

According to an article that appeared today in USA Today:

> The number of charges filed with the Federal Equal Employment Opportunity Commission (EEOC) alleging discrimination based on such English-only policies is . . . six times as large as 10 years ago, [growing] from 32 charges in 1996 to about 200 in 2006.

This is not only an astonishing waste of the EEOC's time and taxpayers' money—the EEOC has a backlog of 56,000 cases—but it is also contrary to everything we know about the importance of achieving unity in our country.

Speaking English is not a punitive requirement; it is a requirement to help us communicate with one another. A 9–1–1 telephone call isn't of much help to a Chinese-speaking person if the employee answering the phone speaks only Spanish.

In this case, the Salvation Army posted its requirements that employees in thrift stores speak English. The two employees in question had worked for the Salvation Army for 5 years. They were then given an extra year to learn English. When they didn't, they were let go.

I intend to introduce legislation to put an end to these lawsuits by making it clear that requiring employees to speak English is not illegal discrimination as long as the policy is clearly posted.

More than that, I can think of nothing that would be more in our national interest than helping anyone in our country learn our common language. That is why later this month, when the immigration legislation comes to the floor, I will introduce again my amendment that the Senate adopted last year giving every adult immigrant a $500 voucher to receive English instruction and allowing those immigrants who want to become citizens to do that in 4 years instead of 5 if they become proficient—rather than just achieve a basic level—in English.

Senator KENNEDY and I have discussed the fact that there are too many adults eager to learn English standing in line in Boston and Nashville for adult learning programs. They need help learning English, and I hope we can rectify that soon.

For 10 years I have suggested, most recently to Bill Gates at a hearing, that I would like to see established a private foundation that would loan $500 to any person living in this country who wants to spend it at an accredited institution learning English, with the hope that someday that student would pay it back. The payoff to American unity would be worth the cost by itself. But I believe such a bank would eventually grow to a huge size funded by grateful new Americans.

Without our common language we would be a giant Tower of Babel. It would be difficult for Americans to talk with one another, to debate political issues, and to vote. It would be harder to function as a democracy and to unite as one country. Without English, we would risk becoming just another United Nations instead of the United States of America.

Madam President, I ask unanimous consent to have printed in the RECORD the article from the USA Today to which I made reference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, May 7, 2007]

ENGLISH-ONLY WORKPLACES SPARK LAWSUITS

(By Stephanie Armour)

Some companies are adopting policies that require employees to speak only English on the job, spurring a backlash of lawsuits alleging that such rules can discriminate against immigrants.

The English-only policies are coming as the number of immigrants in the USA soars: Nearly 11 million residents are not fluent in English, according to U.S. Census data, up from 6.6 million in 1990. Nearly 34 million residents are foreign-born, according to 2003 U.S. Census data. That's up from 24.6 million in 1996.

''This is becoming a much bigger issue,'' says Amy McAndrew, an employment lawyer at Philadelphia-based Pepper Hamilton. ''Employers want to have policies because of safety and customer service, but they have to be careful not to be discriminatory.''

Employers may legally adopt an English-only speaking rule if they can show it is a business necessity, such as the need for communication with co-workers and customers or safety-sensitive situations where use of a common language could prevent an emergency, she says.

But Ronna Timpa, owner of Workplace ESL Solutions in Henderson, Nev., says employers go too far in adopting strict policies that prevent co-workers from talking in their native language even during lunch.

''Imagine how you would feel if you couldn't speak your own language in the bathroom,'' she says.

The issue typically comes up in lower-wage and service-sector jobs.

The number of charges filed with the federal Equal Employment Opportunity Commission (EEOC) alleging discrimination based on such English-only policies is small but six times as large as 10 years ago, from 32 charges in 1996 to about 200 in 2006.

''If the rules enter work breaks, they will be difficult to defend or justify,'' says Dianna Johnston, assistant legal counsel with the EEOC, adding that some employers also have policies requiring employees to be fluent in English.

Employers have faced lawsuits for enforcing English-only policies. In April, Flushing Manor Geriatric Center agreed to pay $900,000 to settle an EEOC lawsuit based in part on the company's English-only policy. The New York-based geriatric center barred Haitian employees from speaking in Creole while allowing other foreign languages to be spoken, according to the EEOC.

That prohibition also included that no Creole be spoken during breaks, and largely affected employees who worked in nursing, food service and housekeeping, the EEOC says.

''There was no justifiable reason when there's not a specific business necessity,'' says Stella Yamada, an EEOC lawyer.

Marc Wenger, a New York-based lawyer representing the geriatric center, says the EEOC characterization is inaccurate and it believes its language policies are consistent with EEOC guidelines. He says there was no restriction on using other languages during breaks, adding the consent decree was not an admission of wrongdoing.

Some employers have extended the policy to customers, too. Geno's Steaks, a Philadelphia landmark, generated a storm of media and blogger attention in 2006 when its owner posted a sign requesting that customers order only in English.

At New York-based Hakia, which provides an Internet-based search engine, employees who are hired must speak English, and English is the language used for all business communications, says President Melek Pulatkonak. Many employees are immigrants who speak Turkish, German, Russian, Indian, Romanian or Spanish. Employees are free to speak their native language in private conversations.

''We have a very international team,'' Pulatkonak says. ''Sometimes we have slips, and we just e-mail them back in English.''

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I wish to discuss the amendment Senator ROBERTS and I have worked on, along with Senator KENNEDY and Senator ENZI, regarding direct-to-consumer advertising of prescription drugs. I am concerned about the proliferation of this kind of advertising, its effect on public health and health care spending, how much money we are spending on health care. Senator ROBERTS and I want to make sure they are done in a responsible way so that consumers have good information and it deals with safety and efficacy. I believe, along with Senator KENNEDY and Senator ENZI, we have crafted an amendment that addresses any first amendment concerns, and I believe we

have also crafted an amendment that will help the FDA get better safety and efficacy information to consumers who see these ads.

I wish to take this time to discuss my concerns with direct-to-consumer advertising of prescription drugs. Keep in mind, we are talking about ads you see on television, you hear on the radio, you see in newspapers and magazines for drugs that you cannot buy unless you get a prescription. It raises all kinds of questions. Why would you advertise drugs that you can't buy? I can see advertising Advil or Tylenol or a host of other over-the-counter-type drugs that you can go into a drugstore and buy, such as cold pills and antihistamines. But for prescription drugs, it raises an interesting question: Why would these drug companies be spending so much money advertising directly to you if you can't even buy it unless you get a prescription?

Let's look at the history of what has happened. Information that is conveyed in these ads is supposed to balance risks and benefits of a specific drug and provide information to the public. But what we have seen happening over the last several years is less and less information and more and more promotion—ads that minimize the risks associated with the drugs and maximize the benefits. They are not balanced. As a result, in exchange for an increased market share for a drug company, the consumer is left with an incomplete and even a dangerous understanding of a drug's risks and benefits.

More often than not, these ads do not provide consumers with accurate comparisons between new drugs or even older drugs that are still effective.

For example, in a 2002 FDA survey of physicians, 65 percent of physicians thought patients were confused by the relative risks and benefits of drugs they saw advertised; 75 percent of the doctors believed the ads led patients to overestimate the efficacy of advertised drugs. All of this can only lead to one conclusion, that there is not a fair balance of risks and benefits in these ads.

Worse still, 86 percent of physicians had a patient who asked about a specific drug. They didn't ask about something for their back pain or for allergies, they asked about a specific drug. Eighty-six percent of physicians said the patients asked about specific drugs. As it turns out, the patient usually got that drug.

Seventy-seven percent of primary care physicians prescribed a drug a patient asked for; 74 percent of specialists did.

Let's look at some of these drugs and what happened. We all know what happened when Vioxx, a pain reliever now associated with heart attacks, was pulled from the market after being heavily marketed to consumers. Consumers never had a clear picture of the risks and benefits associated with the drug. Millions of consumers were put at risk.

One wonders how many doctors said to a patient who came in: You know, if Advil works for you now, you probably don't need Vioxx.

Look what happened with Vioxx: 2 million Americans took it. It was marketed in 80 countries. Madam President, $100 million per year was spent on direct-to-consumer advertising of the prescription drug Vioxx over about 5 years. So about a half billion dollars was spent to tell you Vioxx was good for you.

What happened? Because of all this heavy advertising, there was $2.3 billion in sales in 2003. We all know what happened. It was pulled from the market in 2004. Why? Because thousands of people died of heart attacks because they took Vioxx. Yet this product was subject to heavy direct-to-consumer advertising.

We all remember the Vioxx ads, how good it was for you. Then we find out it was causing heart attacks. Again, this is a clear indication of the irresponsibility of these drug companies in direct-to-consumer advertising. It has just gotten out of hand. It has totally gotten out of hand.

I will show on the next chart what I mean by getting out of hand. Here is the spending on direct-to-consumer advertising. Keep in mind, prior to 1996, we didn't have direct-to-consumer advertising very much on TV and radio. Pharmaceutical companies basically marketed to doctors. You went into the doctor's office. You saw things in the doctor's office. But the doctors were the ones who got the advertisements.

In 1997, the FDA promulgated some rules which opened up the system. Then, all of a sudden, the drug companies started marketing to consumers. In the first year, they spent $791 million. Look what has happened every year. More and more and more. In 2003, $3.2 billion was spent on advertising. I made the chart before I got the latest figures, but today I got the 2005 figures. It is now $4.2 billion. Madam President, $4.2 billion was spent in 2005 advertising drugs you can't buy unless you get a prescription. Keep in mind, these are drugs for which you have to have a prescription. So it has gotten out of hand.

To make matters even worse, most of this money that is spent, $4.2 billion in 2005, was for the promotion of only 50 brand-name drugs. As a GAO study found out, these drugs are most often for chronic conditions, not for cancer—not for life-threatening diseases—but for chronic conditions. GAO found the ads tend to be for antihistamines, sleep aids, acid reflux, and—as we all know too well from watching evening television—things like impotence. We all know this is true. We know it. Look at the ads on TV every night.

It is no coincidence these advertisements are for drugs that you must take repeatedly. It is so you will get hooked on a brand and then you have to keep taking it and taking it and taking it.

Mr. DORGAN. Madam President, will the Senator yield for a question?

Mr. HARKIN. I will yield.

Mr. DORGAN. The Senator held up one or two charts dealing with Vioxx, a pain medicine. He is aware, I know—and I believe it was Dr. Graham from the FDA who testified—that somewhere around 50,000 to 75,000 Americans died of heart attacks as a result of that drug. I know Senator HARKIN is talking about the advertising of these drugs. That was a drug that was advertised as a new generation of pain killers—distinctly different and distinctly better. Not only was that not the case, but it turns out that it posed a very substantial risk to tens of thousands of people, in the FDA's own testimony, who died.

If I might make one additional point. The Senator is raising a question I have raised on the floor in the last week or so about this issue. You turn on the television in the morning while you are brushing your teeth—if you have a little television in your bathroom—and you are minding your own business, when a commercial comes on and says: You know what you ought to be doing? You ought to go to your doctor and ask him if the purple pill would be right for you. You don't know what the purple pill is, but there is a lot of advertising saying you are somehow unworthy if you don't go to the doctor to see if the purple pill isn't right for you because life would be a lot better if you were taking the purple pill.

That is the way this advertising goes. You can only get these drugs by a doctor's prescription. Yet the television set is giving us all this advertising from a pharmaceutical industry saying: You know what you need to do, you need to ask your doctor if you shouldn't be taking more prescription drugs. Maybe a green pill, maybe a purple pill, but life will be better if you would do this.

The reason I wanted you to yield, is that doctors are saying that what they are finding in their offices these days is patients are coming in and the patients are saying: Here is the medicine I want because I saw it on television. Obviously, the doctors aren't happy about that because they are the ones who should be diagnosing and prescribing.

I wanted to make the point that I think your presentation is right. I think there are only two countries in the world, us and New Zealand, that allow virtually unrestricted, complete public advertising on prescription drugs that can only be prescribed by doctors.

Mr. HARKIN. The GAO did this study which found that 86 percent of physicians responded that patients came in to ask about a specific drug—the purple pill, the green pill. You might say: Why are the doctors doing it? One doctor said to me: You are right. They shouldn't be advertising this. Patients coming in would be just as well served by taking an aspirin or something like that, very cheap and readily available, and I tell them that. The doctor is telling me this. I tell them that, and they

say, no, no, they saw this ad. They want this. I tell them no, but they say: Well, Doctor, if it is all the same with you, I would just as soon have that pill. So he says: Well, if you want it, I will prescribe it.

So there is an undue amount of pressure being put on doctors right now to prescribe these drugs because patients are demanding it.

Mr. DORGAN. It is the case with this advertising that if you take this purple drug, you know, you will be riding in a convertible, perhaps through a beautiful meadow, where the Sun is shining and the birds are singing and life is wonderful. Why? Because you took the purple drug. And by the way, go ask the doctor if you shouldn't have some of this.

The Senator is raising a very important question, especially about the dramatic growth in direct-to-consumer advertising about a product that can only be achieved through a prescription by a doctor.

Mr. HARKIN. Well, I thank the Senator for his great leadership in all these areas on drugs, on reimportation, which I was proud to support him on. We have to get a handle on this.

We all have first amendment concerns. People have the right to advertise, but I question whether they can advertise in a way, like with Vioxx, where they tell you all the benefits, but they do not tell you the risks, or they put them in such little fine print that it takes a 50-power magnifying glass to read them.

On television, how many of you have seen the ads where they come on with this wonderful advertisement of a drug, and then in the end it says: Not to be taken by, and it goes so fast you can't understand what they are saying. It is akin to listening to an auctioneer. You can't understand what they are saying. So you see all the benefits of it, but you don't get any of the downsides.

One might ask: Why are companies doing it? Well, simple. They make money. The Kaiser Family Foundation found an additional $4.20 in savings for every dollar spent on advertising. There you go. If you could spend a dollar and make $4.20, who wouldn't?

So we have to ask some questions. What happens when we create an artificial demand? What is the effect on our budget? Some people might say: Well, that is OK, but people are spending their own money or the insurance company is. That is not so. Think of all the money we are spending on Medicare and Medicaid for these drugs that people are being beaten over the head with every day on these ads on television. Think about the baby boomers retiring.

I said that by 2005 the spending had gone to $4.2 billion. Think of what it is going to be this year. I will bet it will be over $5 billion this year, spent on advertising alone, for drugs you can't buy unless you get a prescription. So it is clear to me it has very little to do with patient care and very much to do with making money. I don't mind drug companies making money. That is fine. They do good things. They invest money in research—not as much as I wish they would—and they come up with good drugs. We all take them when we get sick or when we have a disease. The problem is it has gotten out of hand.

It was OK when they did a little bit of advertising, but now it has gotten out of hand. It has gotten to the point now where an individual from a drug company—I will not mention who—said to me: Well, yes, you want to turn the clock back to 1996, when we didn't advertise much on TV. He said: That would be nice, but you could never get it done because not everyone would agree. Because, you see, the big drug companies, the big ones that have some major portion of these 50 drugs that are basically the ones being advertised, they have got the power. The little drug companies out there, which may have good drugs for you, lifesaving drugs and things such as that, they have to get in the game too. They have to compete. So it keeps ratcheting itself up every year. Every year it ratchets itself up with more and more advertising.

Before I yield the floor, I wish to review a little bit the history, so we are clear on how we got to this point. In 1962, Congress gave the FDA the authority to regulate prescription drug advertising which, at that point, in 1962, consisted of ads in medical journals. Regulations followed from the FDA, after 1962, which required that all drug ads include ''a brief summary statement that discloses all the drug's known risks.'' That was done, and all the medical journals, whenever the drug company would put an ad in a medical journal about the benefits of the drug, they had to include, and they did include—they were very responsible for a long time—all the known risks. After all, they were advertising to doctors, people who were knowledgeable in the field.

Until 1997, there was no real guidance beyond that as to what was required. Today, based on guidance that was finalized in 1999, an ad sponsor is only required to disclose ''the most important risks'' in a ''major statement'' in the audio portion of a TV or radio ad. The FDA does not require that all risks be read in the ad.

Think about that. You can tout all the wonderful benefits, but you don't have to tell what all the risks are. The FDA requires that an ad sponsor provide other places to find the list of all the risks. So you could have an ad on TV tell you Vioxx is great—there may be a problem with irregular heartbeat, maybe—but if you want to know all the known risks, you can call this toll-free number or you can go to a health care provider and ask your doctor or print ads.

As I said earlier, it can be very easy for a statement about risks and benefits to get lost in the creative content of the ads. It is no wonder consumers demand newer drugs from their doctors. They don't have a clear idea of the true safety or the efficacy profile. Over time, it has become clear that sometimes the creative content of the drug ads has the effect of minimizing the safety profile of a drug while artificially spurring the demand.

I have one other chart I wish to show. This ad right here. Here is an ad for Cialis. If you have ever watched television in the evening in the last several months, you have seen this ad. You could have seen it in the last few weeks. It seems like I can't turn on the TV that I don't see this ad, so I put it on a chart in case someone might have missed it. It is talking about Cialis. It has this wonderful scene at the end, with a woman in a bathtub, a man in a bathtub, and a beautiful valley scene—maybe Napa Valley, I don't know where it is—and they say: If a relaxing moment turns into the right moment, will you be ready?

While this is on the screen and you are looking at this beautiful scene and thinking how wonderful it is, they come on and give you a couple of known risks. Are you going to listen to that? Or are you paying attention to how wonderful Cialis is for you?

This is another example of the amount of money being put into advertising. This is not a drug preventing a disease someone might have. It is not for a life-threatening disease or anything like that. Not at all. Yet that is where the money is going. That is what the problem is with a lot of these ads.

What our amendment does is it tries to fix some of these problems and to help the FDA and the companies to provide better information so that consumers can make real choices, not a choice based on a movie endorsement or a slick advertisement. So our amendment does four things:

First, the 2-year moratorium on direct-to-consumer advertisements found in the underlying bill is dropped. While I believe this provision is constitutional, I understand and respect the concerns others have on this point.

Secondly, in the underlying bill, every ad may be prereviewed by the FDA. In this amendment, as part of that process, the FDA may require specific safety information in the content of an advertisement as part of a risk evaluation and mitigation strategy. In addition, the company must include any changes the FDA requests about a serious risk in the content of the ad or they are subject to civil penalties.

Third, civil monetary penalties can be assessed against a company for an ad that is false and misleading in the way it presents its safety and efficacy information.

Fourth, the major statement relating to side effects, contraindications, and effectiveness that is included in every TV and radio ad must now be stated—and get this—in a clear, conspicuous, and neutral manner. A clear, conspicuous, and neutral manner.

Hopefully, this will clarify the major statement about risk and benefits, which is paramount, and that the creative wonderful scenery will not distract from it. I think it is a good compromise. It is a step in the right direction. Hopefully, we will get the bill through, this will be a part of it, and we will see if the drug companies want to be responsible.

We don't need to spend $5 billion a year advertising for drugs for which you have to get a prescription. I would rather they put that money into research, research on drugs that really are lifesaving and helpful to more people.

I hope this amendment will be accepted. As I said, it is a compromise, obviously. It is not everything I wanted to do, but I think, again, it is a step in the right direction, and it will give us a yardstick. If, a couple of years from now, we see that the spending has gone from $4.2 billion to $5 billion to $5.5 billion to $6 billion, then we will really have to come back here and tighten down on it even more.

This is a shot across the bow to the drug companies—rein it in, be responsible, or tougher things are coming in the future. So it is really up to the drug companies to now start to be responsible. It is up to FDA to use their authority to make sure the contraindications, the safety measures, the drug interactions—all the things that may happen to people—are presented in a clear, conspicuous, and balanced and fair manner. That is the essence of the amendment. I hope it will be adopted.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from South Dakota.

Mr. THUNE. Madam President, one of the biggest drivers of health care costs today is the cost of prescription drugs. This debate over reauthorization of the FDA has given us an opportunity to really home in on some of the reasons for those high costs of prescription drugs. We say we spend somewhere around $2.2 trillion on health care today or about 16 or 17 percent of our gross domestic product. Of that amount, about 15 to 20 percent of what we spend on health care is for prescription drugs. It is an enormous industry in this country.

Frankly, some remarkable things have happened. We have wonderful therapies that have prolonged life, have improved the quality of life, and for that we can be grateful to those companies which are investing in the research and development that is necessary to bring these types of new therapies and drugs onto the market.

At the same time, we have to be very concerned about the cost of these things. Everybody has to be concerned about that. The taxpayers, who underwrite the cost of Medicare and Medicaid, which is a big part of the cost of health care in this country, have a stake in this debate, as does every consumer who, for prescription drugs—whenever they are diagnosed with something and a doctor prescribes a certain medication, a certain drug, and they have to go get it, obviously that cost is borne by them as consumers and by their health care provider, their insurer. Everybody has a stake in the cost of prescription drugs and doing everything we can to lower their costs, to make them more affordable to average people in this country.

We have an amendment, the Stabenow-Thune-Brown-Lott amendment having to do with citizen petitions, which was just debated. It has been debated. It is under consideration as part of the managers' amendment. I thank the managers, Senators KENNEDY and ENZI, for giving us an opportunity to perhaps have it included in the managers' amendment. I think this is an important amendment, one that addresses the issue we are talking about today, the high cost of prescription drugs.

The amendment will reduce the filing of frivolous ''citizen petitions'' that delay entry of generic drugs to the market and unnecessarily increase drug costs for both taxpayers and consumers. My colleague from Michigan, the distinguished Presiding Officer, has discussed this earlier.

A citizen petition is intended to be just that—it is a petition that is filed by an individual or a group in order to raise potential concerns. If you look at what has happened with that, that process has been abused. You can see that even from what the FDA Chief Counsel has said about this process:

> These petitions 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.

What has happened in this process is it has become hijacked and is being used for purposes for which it was not intended.

Under current FDA regulations, the simple act of filing a petition, no matter how meritorious or frivolous that petition may be, automatically delays the approval of a generic drug. Under current regulations, there is no risk or cost associated with filing a citizen petition. Yet the benefit to a brand-name company in maintaining their market share for even a few months is enormous.

I want to show another chart which I think further defines why there is so much advantage for a company to use this process in a frivolous way, to delay the introduction of generic drugs into the marketplace. Take Flonase, for example. The delay caused by using the citizen petition was 645 days. During that period, the additional sales that were generated were over $1 billion—$1.6 billion. If you look at DuoNeb, another drug, 420 days' delay yielded $262.5 million additional revenue generated during that delay period.

The amendment will allow the FDA to verify that citizen petitions are legitimate by requiring applicants to verify that they have not received compensation from another organization to file such a petition. It will also prohibit delays of generic drug approvals unless the FDA determines within the first 25 days that a petition is filed that the petition raises a genuine public health concern. This amendment helps to remove the incentive for drug companies to file unnecessary or illegitimate citizen petitions.

Even the FDA has said the citizen petition process is inefficient and is often abused by pharmaceutical companies. This is troubling to me because the rising cost of prescription drugs is one of the largest drivers, as I said earlier, of health care costs in our country today. These costs contribute directly to the rising cost of health insurance premiums for families and small businesses and the cost to all taxpayers for what we pay for Medicare and Medicaid.

As a Member of the House of Representatives in 2002, I sponsored legislation that would help speed access to lower cost generics. Back then, one of the major issues of concern to Congress and consumers was the automatic 30-month stay brand-name companies could request whenever a challenge was raised to the patent. FDA regulations at the time essentially allowed a pharmaceutical company to ask the FDA for an unlimited number of 30-month stays as generics sought entry into the market, effectively delaying their approval. Now we are looking at yet another loophole the industry has found to delay access to lower cost generic drugs.

Access to generic drugs is one crucial part of the solution to controlling prescription drug costs. As I said earlier, in overall health care costs, what continues to increase over time is the cost of prescription drugs. As I said earlier, there are also some wonderful therapies, some medications that were brought onto the market that are doing remarkable things for health care in this country. But there is also a long period where drug companies that develop these types of medications and therapies have the exclusive right to market those. During that period, they have an opportunity to recover the cost of the research and development that goes into that particular drug. But there is a point at which that period comes to an end. When that period comes to an end and it is opened to competition, then other generic drug manufacturers can enter the marketplace. What you generally see happen is drug costs go down dramatically when competition takes hold.

I am a big believer in the market. The market works when there is competition. What we will need, if we want to do something about the high cost of prescription drugs and the impact they are having in driving health care costs in this country, is to create more competition in the marketplace.

What this particular loophole does, the citizen petition loophole, is it allows drug companies to take advantage and in a frivolous way use something that was intended for legitimate purposes; that is, to allow citizens to challenge this process, to extend the period in which they can continue to exclusively market a drug to the tune literally of billions and billions of dollars of additional cost. That is wrong.

The amendment we have introduced—the Senator from Michigan, Senator STABENOW, Senator BROWN, Senator LOTT, myself—would simply bring some clarity to this and make sure, when the FDA has an opportunity to determine, to take a look at these citizen petitions, that petition does, in fact, raise a genuine public health concern. I believe this amendment will help remove the incentive drug companies have to file unnecessary or illegitimate citizen petitions in order to continue to reap some of these profits and take advantage of a loophole that exists today that needs to be closed.

I hope the managers of the bill, those who have been working with us throughout the course of this process, will find their way to accept this amendment into the managers' package, allow it to be adopted as part of the FDA reauthorization and to do something that in a very significant and meaningful way will address what is a serious problem in America today; that is, the high cost of health care which is driving more and more people into the ranks of the uninsured, becoming a higher cost and burden on small businesses, and, as I said earlier, a big component of that cost of health care is the cost of prescription drugs.

I think this amendment, along with others we have debated here today as well—and I happen to support allowing for the reimportation of drugs from Canada and Europe and places such as that, which will help bring drug costs down in this country—these things will all add competition to the marketplace. Competition drives down costs, it drives down costs for consumers, it drives down costs for taxpayers. That is a good thing. This particular amendment closes a loophole that needs to be closed that will bring about lower costs for consumers in this country.

I thank the sponsors and the managers of the legislation for their cooperation and willingness to work with us, and I hope in the end we can have this amendment adopted and do something that is serious and meaningful in terms of eliminating unnecessary delays in allowing for generic drug approvals, getting them into the marketplace, and driving down the cost of prescription drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I have been trying to review the managers' package, as I indicated before. I read a number of the provisions. The one on domestic pet turtles—I looked that over. I guess I don't have an issue with that. Ginseng is all right. Tanning beds—we have a number of amendments, some small, some large, some important, some perhaps not. I have looked through them.

I do think there a couple that ought to be added. I noticed in the managers' amendment that there is a note that there is additional language coming on several of them. I don't know what that would be.

I suggested two additions to the managers' package that I hope will be considered. One is country-of-origin labeling with respect to prescription drugs:

> Any prescription drug dispensed in the United States shall affix on each dispenser or container of the prescription drug a label that includes the country in which the drug was manufactured.

The reason for that is there has been an assertion here that somehow the importation of prescription drugs would be unsafe because it comes from another country. In fact, a substantial portion of our prescription drugs comes from other countries. It would probably be useful for consumers to know that. I do not suggest they know that because it is apparently unsafe, as some seem to suggest with reimportation, but nonetheless I think that would be a useful thing.

The second is the Secretary shall certify prior to the approval for marketing any new prescription drug that the approval of such drug poses ''no additional risk to the public health and safety,'' which is the identical provision in the Cochran amendment dealing with reimportation of prescription drugs. I would provide the same requirement for the new prescription drugs that are approved for use in this country.

These are at least, to the extent there is validity in the Cochran amendment, as judged at least by a small majority of the Members of the Senate today—to the extent there is validity in that, it seems to me there might be some use for some consistency, and the consistency would be we would want to be able to have the same approval process with respect to no substantial risk from new drugs as they are suggesting would be the case when a U.S. consumer is trying to purchase a prescription drug, FDA approved prescription drug from another country.

The second, the country-of-origin labeling just makes sense to me inasmuch as every time we debate this subject, we have people implying that there is something inherently unsafe about importing a prescription drug from another country. As I have indicated time and time again, they do this routinely in Europe and have done it for 20 years. If you are in Italy and you want to buy a prescription drug in Spain or if you are in Germany and you want to buy a prescription drug in France, there is no problem. There is something called parallel trading, and you can easily, as a consumer, access the best price on that approved drug.

It is just, if they can do it in Europe, we are told by our colleagues we do not have the capability or the wherewithal or the knowledge or whatever to be able to do it in our country.

That, of course, I think, seriously shortchanges the ability of the American people to develop a system that the Europeans have used for 20 years, a system that would help consumers. It would allow the global economy to work for consumers. Maybe the little guy ought to have a shot at accessing the benefits of the global economy.

So I think both of those amendments have merit. I would ask that those who are working on the managers' amendment consider adding these two amendments to the managers' package. I hope between now and perhaps tomorrow, over either supper or breakfast, they might have some sort of an epiphany and believe that consistency is a virtue in the Senate, and as a matter of consistency include both of these amendments in the managers' amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 993

Mr. GREGG. Madam President, I appreciate the Senator from Ohio who was going to move to morning business by giving me a little respite and let me speak.

I rise relative to the amendment I have offered on this bill, which is the effort to try to protect people who purchase pharmaceuticals from Internet pharmacies. This is a major concern today. In fact, just last week I entered into the RECORD that the FDA reported they had identified 24 different Internet pharmaceutical sites that appeared to be selling adulterated drugs to people. At least in three instances they were selling adulterated drugs which came in packages that had a lot number on them, they had an expiration number on them, and they looked exactly like the drugs the individual would have bought had they bought them through a pharmacy in the United States.

But it turned out those drugs, when they were opened by the FDA and tested by the producer of these pharmaceutical products, were adulterated, and in some instances the adulterated drugs could have caused severe harm to the person had they taken those drugs. In other instances, the drugs were simply sugar. They had no chemical compound in them.

We have had a lot of instances of this occurring. The FDA has literally hundreds of instances of people purchasing drugs over the Internet sites which come in from international locations, which the FDA has no jurisdiction over. When the person received those drugs, they took them and they were harmed. In several instances, death has actually occurred as a result.

So what I think is important is that we create a system where, when somebody uses the Internet—because everybody uses the Internet today, or just

about everyone uses the Internet—to purchase the pharmaceutical product, that they be able to be fairly confident, in fact very confident, in fact assured that product is FDA approved.

This is doable. This is not an impossible exercise. This capacity to make Internet pharmaceutical sites subject to FDA oversight and give consumers the information they need in order to ensure that the pharmaceutical site is FDA approved is a very doable event. That is what my amendment creates.

Essentially what it will say is that the FDA will receive the resources necessary to be able to inspect and review and manage and overview Internet pharmaceutical sites after they have put an Internet pharmaceutical site through the system of testing and make sure that site first has responsibility in the United States, so that they are not in Russia or Albania or Pakistan or someplace and can't be reached if they do harm by selling an adulterated drug to an American citizen, that that site has a bonded individual in the United States who is responsible for actions taken by that site in selling products in the United States.

Second, that the products that are sold through that site are FDA approved and have a review process which assures that they have been FDA approved. At that point the FDA will put a tamperproof recognition symbol on that site so that a person who goes on the Internet and looks up a pharmaceutical site will immediately see this tamperproof identification that it has been FDA approved, sort of like in the old days when you used to have the Good Housekeeping seal of approval on a product. That is what this will do so that an American citizen buying through an Internet site will know that the product coming through that site is FDA approved, that it is what they say it is, what the pharmaceutical site says it is. This is a step which needs to be taken, obviously, in order to assure that American consumers are safe.

As we see, American consumers are more and more going to the Internet for purposes of buying their products. Now, regrettably, some fairly large pharmaceutical—not pharmaceutical companies but some fairly large drug retail companies which run Internet sites in most instances have reservations about this language because they are concerned about the fee system which is set up to pay for it. I can understand that. I am willing to look at ways of addressing that so that we can alleviate, to some degree, their concern.

But the simple fact is, you have to come up with a system which assures that resources are available for the FDA to be able to go out and monitor these sites. It should be a consumer-producer retail sales-fee system so that the people who are taking advantage of this site and the people who are benefiting from the site, both economically and through purchasing the product, are essentially bearing the cost of making sure the FDA has the resources necessary to monitor the site.

That is a reasonable approach. It is something we do on most issues of this type. So there is a fee system in this proposal which would basically pay for the resources necessary and give the FDA the support it needs financially so that it can expand its review process to cover these pharmaceutical products which are being sold over the Internet. This is a step we have to take. This is not something where we can sort of bury our heads in the sand and say, well, we are just going to let this happen. We are going to let these sites continue to function, and we are going to ignore their existence because more and more Americans are moving to this process of purchasing drugs.

You cannot have, in the United States, two different streams of supply of pharmaceuticals for American citizens: one which is absolutely safe and when American citizens are purchasing that product they are sure that it is not going to harm them; and, two, where they are basically rolling the dice, playing Russian roulette with what they purchase when they use an Internet site but thinking they are actually purchasing something that is claimed to be the medication they need.

You cannot do that and claim we have a safe and efficient system, a safe system which has efficacy in the quality of the drugs and have those drugs be safe when they are delivered to the consumer. We cannot have two different systems and still make that claim. We are basically undermining one of our great strengths as a culture, which is that we have a very strong system for protecting the food that Americans eat and the drugs America uses.

So it is critical that we face up to this very significant problem we have, which is that the Internet pharmacy situation is basically a ''wild west'' of supply. Nobody knows what they are getting. Well, they think they know what they are getting, but nobody actually knows what they are getting. They can be harmed as a result. So I believe this proposal is a reasoned proposal. It is one I hope we will take a hard look at as a Congress because I believe it is our responsibility. This is an area where the Federal Government has chosen to legislate and has done quite well over the years, FDA proposals dealing with the safety of drugs and food in our country and in our supply chain. We have a lot of history. We can take considerable pride in it. But the market has changed. We need to change the process by which we review the quality of the drugs as they come through this new market structure, which is called the Internet. This is not a partisan or political issue. This is just a question of how we substantially improve FDA's capacity on oversight of the delivery of drugs to the American citizen.

So it should, I hope, be accepted at some point. I understand it is going to be opposed, regrettably, by the other side of the aisle. This makes no sense to me. I think it has something to do with the fee system that is in place and the fact that the large drug delivery companies in this country are opposed to this type of system. But as I stated, this is negotiable. There should be some way to deal with that.

But, in any event, at some point I hope we face up to the reality of needing this type of an amendment and giving the FDA this type of authority. At this point I am not going to ask for a vote on the amendment. I may before we move to final passage. But I am also considering other approaches to getting this type of language considered.

I will review the situation as we go down the road. But I did want to speak tonight to outline again the need for this type of protection. As I said, just last week the FDA sent out a warning, actual warning to American consumers, that said: Do not use these 24 Internet sites because we cannot tell you that the drugs you purchase over these sites are going to be safe, that they are going to be what they say they are. In fact, we can tell you in these three incidents that they were not.

That means people were put at risk by purchasing drugs from these sites. So we need to give the FDA this authority, and hopefully we will. If not now, at least before this bill completes the whole process and comes back from the conference committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I have a few comments on this afternoon's proceedings. I was disappointed, as I know many in the Chamber were, in the passage of the Cochran amendment and what that means to the price of prescription drugs.

An awful lot of us believed—those of us running for election last fall, those of us who were just observers of the American political scene—understand that the drug industry has had way too much influence in the Senate and the House and particularly the White House in the last many years.

Many of us talked about reimportation of prescription drugs, particularly from Canada. Many of us—I know the Presiding Officer has done this. I have, from my Northeastern Ohio Congressional District before I was elected to the Senate last fall, taken busloads of senior citizens to Canada to buy less expensive but identical—same drugs, same dosage, same packaging, same manufacturing,—drugs in Canadian drugstores.

We all thought that it made no sense for Americans to leave our country to buy drugs, often made in the United States, but certainly drugs that are safe as those at a drugstore in Elyria, Ashtabula or Toledo or Dayton.

Many of us were disappointed at the passage of the Cochran amendment,

which is what the drug companies wanted, and what again stands in the way of direct reimportation so that American seniors and other Americans could get less expensive drugs. There is simply no reason the Canadian drugs—that our drugs should cost two, three, four times what people pay for the same drug, same manufacturer, same dosage, the same packaging in Canada.

I am intrigued by Senator DORGAN's idea of country-of-origin labeling on prescription drugs. We know, for example, that a doctor prescribes Lipitor, and the patient buys Lipitor; that these actual drugs were manufactured—that medicine was manufactured in Ireland. We do not seem to think there is anything wrong with that. So it makes sense to me to put on country-of-origin labeling because then Americans would see that these drugs, whether they are made in Ireland, whether they are made in Canada, whether they are made in Germany, whether they are made in the UK, whether they are made in the United States, that because of the FDA we know those drugs are safe in our country. We know they are safe if they are coming from Britain or Ireland or Canada.

I am intrigued by Senator DORGAN's idea. I also, for a moment, wanted to speak on the amendment that the Presiding Officer has led the charge on with Senator THUNE and with Senator LOTT and myself, on the citizen petition issue. That, I understand, is in the managers' amendment. I am hopeful that will become part of this bill as it moves through the process.

We know of abuse of the citizen petition process. We know that while, of course, we want to protect peoples' rights in this country to petition their Government always, we also note the drug companies have gamed that system, turned that system to their advantage and used that petition process to block the generics getting on the market.

We know the drug companies will do darn near anything to get their way, to keep their prices higher. It is the most profitable industry in the country—return on investment, return on sales, return on equity—for almost a generation, almost every year except for when the oil industry does slightly better than the pharmaceutical industry. We know they will try almost anything.

But Senator STABENOW's work on this issue and this amendment will draw a balance so that citizen petition rights are protected, that consumers are protected, which will mean generics are earlier to market, safe generics, identical generics that will mean lower prices for our consumers.

I am hopeful we can get this bill in better shape than it has been. I appreciate particularly the efforts of Senator DORGAN on reimportation.

BIOEQUIVALENCE STANDARDS

Mr. HATCH. I rise to speak about the amendment I offered to S. 1082 on antibiotics access and innovation. My amendment is supported by the Infectious Diseases Society of America, IDSA, the Alliance for Aging Research, the National Organization of Rare Disorders, and the Immune Deficiency Foundation. It is intended to take initial steps to address the important issue of drug resistant microorganisms and the need for new antibiotics. Senate Health, Education, Labor, and Pensions Committee Chairman TED KENNEDY and its Ranking Member MIKE ENZI have worked with me on the provision as well as Senators BURR, BROWN, and COCHRAN. I appreciate all their efforts to address this important issue and am pleased that we have reached an agreement on language to include in S. 1082.

Mr. KENNEDY. I want to thank the Senator from Utah for introducing this important amendment. I am concerned with the alarming increase in the number of drug-resistant infections. Physicians from Massachusetts have written me in support of this amendment saying that patients are routinely lost to infections caused by resistant bacteria for which we have few to no options. I appreciate the efforts of infectious disease experts from the Infectious Diseases Society of America to raise these concerns and propose solutions.

Mr. HATCH. Senator KENNEDY has always been a leader in public health issues and I appreciate the efforts of him and his staff to address this important matter. However, I am concerned one provision of my amendment that was not included which deals with bioequivalence standards for locally-acting non-absorbed drugs. In the amendment I filed for Committee, I had asked for the Food and Drug Administration to establish a new bioequivalence standard for these drugs through a guidance allowing for transparency and a public process. The underlying bill deals with drug safety and although I am a supporter of the generic drug industry, I want to ensure that their bioequivalence standards are based on science—we need to ensure that FDA is applying high scientific standards and allowing for public input when these standards are developed by the Office of Generic Drugs.

Mr. BROWN. I appreciate his leadership on this matter and want to work with him to ensure that we exercise appropriate oversight over FDA and hold the agency, and in this case, the Office of Generic Drugs, accountable for its decisions. I also appreciate working with him and other members of the HELP Committee on the issue of antimicrobial resistance. So my question is, isn't this a public health crisis that requires immediate action?

Mr. HATCH. Yes, it is. I appreciate the remarks of the Senator from Ohio. I yield to the Senator from Mississippi.

Mr. COCHRAN. I want to thank the Senator from Utah for his leadership on this issue. I have been working on this issue of FDA standard setting and process for bioequivalence standards for almost a year now. We have not yet had resolution to concerns regarding bioequivalence standards and I had hoped to include language in this bill requiring FDA to engage in a process to inform the public of a change in standard, explain their scientific rationale, and allow for public input before a new standard is implemented. I understand we have agreed to continue to work with FDA on this issue and defer including the provision in this bill. I am hopeful that we can address these concerns through our continued work with the FDA. However, I think we all understand that if FDA does not sufficiently answer our questions, Congress will revisit this issue.

Mr. HATCH. I thank the Senator from Mississippi for his leadership on this matter. I agree that we need to pursue this further if we don't get good answers from the FDA. The agency's lack of a response is a big concern to me.

I might also add that your health advisor, Leigh Ann Ross, who is a pharmacist, has been very helpful in explaining the issues of pharmaceutical science at issue here. I also want to acknowledge the work of my colleague from Massachusetts who has shown great leadership here and his dedicated staffer, David Dorsey, who has worked tirelessly on this entire bill and this issue in particular. I also appreciate the hard work of Senator ENZI's staff person, David Schmickel, who has made great efforts to reach an agreement on this issue. We would not have been able to reach this point without Senator KENNEDY's and Senator ENZI's leadership on the entire bill.

In addition, I would like to acknowledge Senator BROWN's health staffer, Ellie Dehoney, who has made valuable contributions to this discussion.

Mr. ENZI. Would the Senator yield for a moment? I want to commend Senator HATCH for raising this issue of antimicrobial resistance and the need for innovation. The problem that the Senator is addressing here is a real threat to public health. The Director of the CDC reports that more than 63,000 patients in the United States die every year from hospital-acquired, antibiotic resistant infections. Although I strongly support this amendment as it is an excellent first step, a comprehensive response is needed. I hope we can continue to address the broader issue within the Committee this Congress. I also agree that we need to continue to work with FDA on this issue of accountability and look forward to working with the Chairman and other members of the Senate on this issue.

Mr. HATCH. I thank the Senator. I appreciate my colleagues' willingness to work with me on this important issue. Although the language on the bioequivalence issue is not in the agreed-to version of the amendment, by accepting the revised amendment, I want to make it perfectly clear that we want to have clear answers from the FDA on its current process in establishing a bioequivalence standard for

locally-acting non-absorbed drugs. It is certainly not my intent or the intent of my colleagues to suggest that we have concluded the oversight of FDA on this issue. Instead, we have agreed to engage with FDA through the oversight function of the HELP Committee to ensure that the scientific standards and procedures used in establishing bioequivalence for this life-threatening antibiotic are appropriate.

Mr. SPECTER. Would the Senator yield for a question? My office has also been in contact with FDA on this issue of bioequivalence for a life-saving antibiotic because leading infectious disease experts in my state have expressed concern that FDA did not take appropriate steps to establish this new standard for demonstrating bioequivalence. I would like to work with my colleagues on this important issue as well.

Mr. HATCH. I thank the Senator from Pennsylvania and I know that he has been in communication with FDA regarding this issue. His contributions to this dialog have been considerable. I look forward to working with him, Senator COCHRAN and my HELP Committee colleagues in getting some answers from the FDA on this situation.

AUTHORIZED GENERICS

Mr. ROCKEFELLER. Madam President, I rise today with my colleagues to speak about so-called authorized generics. An authorized generic drug is a brand-name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. Because it is not a true generic drug and does not require an additional FDA approval, an authorized generic can be marketed during the federally mandated 6-month exclusivity period for generics. This discourages true generic companies from entering the market and offering lower priced prescription drugs. I have introduced legislation—the Fair Prescription Drug Competition Act—in order to ban authorized generics during this protected 180-day period, and I had hoped that this legislation could be accepted as part of this bill.

Mr. KENNEDY. I appreciate the leadership of the Senator from West Virginia on this important issue. He has been a staunch advocate of consumer access to lower cost generic prescriptions, successfully working to include authorized generics in the Medicaid best price calculation. I support his efforts and believe that the bill before us includes significant provisions to lower prescription drug costs. While I know that our legislation does not directly address the Senator's concerns, I want to continue to work with him on this important issue and believe that we can reach consensus on authorized generics as part of the patent settlement debate.

Mr. ENZI. As the Senator from West Virginia knows, we included language in the underlying bill on authorized generics in part due to his urging. Our bill would require the Food and Drug Administration to keep track of authorized generics marketed since January 1, 1999, and to make such data publicly available in electronic form. The language in our bill will help the Federal Trade Commission complete its study in a timely fashion, and it will also help to shed some light on this elusive marketing practice. Let me be clear: I do not agree with the other policy statements being made regarding authorized generics because I don't believe we have enough information yet to make those assessments. However, I do agree that we need more information to shed light onto this subject. That is why I supported the language in the underlying bill to allow us to have that data and to provide a strong platform for future discussions.

Mr. ROCKEFELLER. I appreciate the chairman and ranking member's interest in looking into this deceptive marketing practice. And, while I had hoped that we could reach agreement on my legislation as part of this bill, I appreciate the chairman's commitment to working with me to solve this problem as part of the patent settlements discussion. I am also grateful for Senators KENNEDY, ENZI, and HATCH's support of the authorized generics language Senator BROWN and I worked to include in the underlying bill. This language will undoubtedly help the FTC finish its work, but I want to be clear that I do not believe Congress needs to wait on the FTC study to be completed to act on the problem of authorized generics. At the very least, Congress should impose a moratorium on authorized generic drugs until such time as the FTC study is complete.

Mr. HATCH. My friend from West Virginia has had a longstanding interest in looking into this issue, and I certainly don't fault his tenacity in this area. When Congressman HENRY WAXMAN and I wrote the Drug Price Competition and Patent Term Restoration Act in 1984, our intent was to improve generic competition, while preserving the ability of brand-name manufacturers to discover and market new and innovative products. I think this legislation has worked fairly well at achieving its intended goals. I know there have been a few problems along the way, but I think we addressed many of them in the Medicare Modernization Act of 2003. In that law, Congress closed several loopholes that were delaying generic competition and hindering consumer access to lower cost generic drugs. The law also clarified the 180-day period of market exclusivity for generic manufacturers. Now, I know Senator ROCKEFELLER is very concerned about authorized generics, and I think we should have updated data on the number of authorized generic drugs are on the market. The language already included in S. 1082 will help the Federal Trade Commission complete its authorized generics study, which I know Senator ROCKEFELLER requested along with Senators GRASSLEY and LEAHY. I support the completion of that study; however, Congress shouldn't contemplate additional legislation before having necessary data on authorized generics. I will work with my good friend and colleague from West Virginia to ensure that the FTC has the data needed to complete its study. So, I want to let my friend from West Virginia know that I want to continue to have a dialogue about this issue.

Mr. ROCKEFELLER. I thank my colleagues for these commitments. I look forward to working together with Chairman KENNEDY, Senator ENZI, Senator HATCH, and the cosponsors of this amendment Senators SCHUMER, LEAHY, KOHL, and STABENOW to develop strong consensus language that can be enacted as part of the patent settlements legislation.

AMENDMENT NO. 1042

Mr. ENSIGN. Madam President, prescription drugs and medical technology save lives. Advances in medicine have given patients who are fighting deadly diseases or managing chronic conditions hope for a healthier future.

Prescription drugs are working to meet the emerging diabetes epidemic, save the lives of cancer patients, and forestall the terrible burden of Alzheimer's. These advances in medicine are helping patients today.

Although these lifesaving drugs have the enormous potential to improve lives, at times they also have the potential to harm. We all know that no prescription medication is absolutely safe. There is always some degree of safety and health risks.

Drug companies selling products in the United States must comply with regulations and procedures mandated by the Food and Drug Administration. FDA approval, however, does not always guarantee drug safety.

The bill we are debating today intends to improve drug safety and will significantly change the drug approval process at the FDA. I believe it is important to improve the drug approval process and, at the same time, ensure patients access to new and innovative therapies. In order to achieve this goal, a carefully balanced approach is necessary.

As we debate how to improve the drug approval process, it is important for Congress to take actions to ensure that legal efforts to enforce drug safety are directed toward the appropriate parties.

I am particularly concerned that this bill does nothing to protect physicians and pharmacists from being named in product liability lawsuits. We cannot allow for additional waste in our legal system by naming doctors and pharmacists to these lawsuits—especially when these professionals have nothing to do with the design or manufacture of the product in question. It is for that reason that I rise to speak on amendment No. 1042.

Product liability lawsuits usually involve claims that a product is unreasonably dangerous, either in its design, manufacture, or its lack of a proper warning or instructions regarding use.

Historically, trial lawyers name the product manufacturer as well as each party that handled the product in the stream of commerce as a defendant. This includes the shipper of the product, as well as the store owner who sells the product. In most cases, the store owner is never liable for a design defect, manufacturing defect, or failure to warn. Why? Because these cases have nothing to do with the negligence of the store owner.

Doctors and pharmacists are similar to store owners. They have nothing to do with the design or manufacture of a product. Yet time and time again, doctors and other health care providers are named as parties to product liability lawsuits involving prescription drugs and medical devices. Why? Because class action lawyers are constantly looking for the best courtrooms to file their lawsuits. These lawyers routinely shop for venues that are known for siding with the patient who has been harmed. By bringing their cases in front of plaintiff-friendly judges and juries, these lawyers immeasurably enhance their probability of securing a jackpot jury award.

Judgments are virtually never entered against doctors and pharmacists in product liability lawsuits. Yet these health care professionals are often forced to spend thousands of dollars in legal costs and take valuable time off from work, time away from the patients who need them, to provide lawyers with rounds and rounds of depositions and to provide juries with testimony. This is completely ridiculous. We need doctors in our emergency rooms and family practice centers—not in the courtrooms when they have nothing to do with the product in question.

I want to tell you about a woman named Hilda Bankston. Hilda owned a pharmacy in Jefferson County, MS, and has been named as a defendant in so many lawsuits that she has lost count. In each instance, Hilda was sued for doing nothing more than filling legal prescriptions. In other words, she wasn't doing anything wrong. Nevertheless, Hilda has been dragged into court to testify in hundreds of national lawsuits brought in Jefferson County against the pharmacy and out-of-State manufacturers of drugs. Why is this? Because the party who initiated the lawsuit was shopping for a friendly court in order to file their national lawsuit in that county.

Does this bill we are considering today provide any protection to Hilda Bankston? No, it does not. Does the bill provide any protection to doctors and pharmacists with respect to product liability lawsuits? No. It doesn't do that either. The bill allows these health care providers to continue to be named in product liability cases. This is outrageous.

My amendment is simple. It prohibits a health care provider, including a doctor or a pharmacist, from being named in a product liability lawsuit or in a class action lawsuit merely because the health care provider prescribed or sold a drug or device that was approved by the Food and Drug Administration.

My amendment does not deprive patients of the right to sue a physician or a pharmacist who behaves in a negligent manner. It does not provide blanket immunity to a physician or pharmacist who behaves in a negligent manner. That would be a separate cause of action, which lies outside the scope of my amendment. What my amendment does say is that health care providers should not be dragged into a product lawsuit that they have no business being in. Doctors and pharmacists are routinely named in product liability lawsuits and are virtually always removed from these cases without having damages assessed against them. They are not responsible for the design or manufacture of drugs and devices and should not be dragged into these types of lawsuits.

Patients pay for product liability lawsuits in the form of higher health benefits and premiums.

I urge my colleagues to join me in taking action to curb this abuse of our legal system. Let's protect our health care providers from incurring frivolous unnecessary costs. Our health care providers should be focused on providing the best care possible to their patients, not on product liability lawsuits when they have nothing to do with the product in question.

I ask unanimous consent to have printed in the RECORD letters of support for my amendment from the American Medical Association and the American Osteopathic Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 3, 2007.

Hon. JOHN ENSIGN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENSIGN: The physician and student members of the American Medical Association (AMA) commend you for introducing an amendment to S. 1082, the ''Prescription Drug User Fee Amendments of 2007,'' that would clarify physician and other health care provider liability.

Specifically, the amendment would prevent physicians and other healthcare providers who prescribe or dispense a drug, biologic product, or medical device approved, licensed, or cleared by the Food and Drug Administration from being named in class action product liability lawsuits for forum-shopping purposes. The amendment would address situations in which a local physician or other health care provider is named as a defendant as a way to file a lawsuit in a legal jurisdiction more likely to award large damage awards, even though such jurisdiction has little or no connection to the local defendants. In such cases, the local physician or other health care provider is often dropped from the suit or not found liable for damages. Instead, liability attaches to the manufacturer, whose conduct is the real subject of the litigation. Nonetheless, physicians and other health care providers are exposed to the significant legal costs, distress, and time away from their patients.

The AMA is pleased to offer its support for this amendment and looks forward to continuing to work with you to bring about common sense liability reforms, such as this amendment.

Sincerely,

MICHAEL D. MAVES,
MD, MBA.

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, May 3, 2007.

Hon. JOHN ENSIGN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENSIGN: As President of the American Osteopathic Association (AOA), I am pleased to inform you of our support for your amendment to the ''Prescription Drug User Fee Amendments of 2007'' (S. 1082), which would provide clarification on physician liability.

Your amendment seeks to clarify that a physician who prescribes a drug, biological product, or medical device, which has cleared successfully the Food and Drug Administration's approval process, cannot be named as a party in a class action lawsuit. The AOA shares our concerns that physicians and other health care providers frequently are names as defendants in such cases as a means of securing a venue which is more likely to produce larger monetary awards. In most cases, physicians are dismissed from he lawsuit or found not liable for damages. Regardless of the ultimate outcome, physicians face significant legal costs and time away from their patients as a result of this practice.

We believe your amendment takes the appropriate steps to ensure that future class action lawsuits are targeted at those whose conduct is in question. Additionally, we believe your amendment rightfully prevents attorneys from using physicians as a means to pursue legal action in venues they deem more favorable. For these reasons, we re pleased to offer our support.

Sincerely,

JOHN A. STROSNIDER,
DO, President.

MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REMEMBERING HAWAII'S DON HO

• Mr. AKAKA. Mr. President, I wish to pay tribute to a remarkable son of Hawaii, entertainment legend, Don Ho. Don's big heart gave out on April 14, in Waikiki. He was 76 years old. On Saturday, May 5, Hawaii bid a fond aloha to Don Ho, during a ceremony on Waikiki Beach in celebration of his life. Thousands of people attended his memorial.

Don didn't plan on a career in entertainment. After his college graduation, he served in the U.S. Air Force, attaining the rank of first lieutenant. When

he returned home, he began helping at his mother's quiet neighborhood bar, playing music with friends. That was the beginning of a show business career spanning more than four decades including hit records, motion pictures, television, and sold out performances world-wide.

Hawaii was still a young State when Don Ho became an international star, and in many ways he helped put Hawaii on the map. In my travels around the world, people always ask me about Don Ho. Don was a big star wherever he went. He even played in Washington, DC, when I was in the House. And I can tell you, it was a big show.

Despite his stature as an entertainment icon, Don was never too busy to spend a few minutes with his fans; young honeymooners, servicemen and women stationed in the islands, or senior citizens on a dream vacation. He had tremendous charisma and talent and because of that he touched many people. Hawaii has lost a beloved son and he will be sorely missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

H.R. 1592. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

H.R. 1867. An act to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes.

H.R. 1868. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1592. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

H.R. 1868. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

H.R. 1867. An act to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1312. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

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–1742. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (RIN0583–AD05) received on May 2, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1743. 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 04–12; to the Committee on Appropriations.

EC–1744. 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 06–01; to the Committee on Appropriations.

EC–1745. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Guided Multiple Launch Rocket System program; to the Committee on Armed Services.

EC–1746. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the annual report on the Department's Chemical and Biological Defense Program; to the Committee on Armed Services.

EC–1747. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's plan for improving recruitment, placement, and retention within the Department of individuals who receive scholarships and fellowships; to the Committee on Armed Services.

EC–1748. A communication from the Director of Defense Research and Engineering, transmitting, a report relative to the management and adequacy of biometrics programs; to the Committee on Armed Services.

EC–1749. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the funds expended during fiscal year 2006 and the funds that are expected to be expended during fiscal years 2007 and 2008; to the Committee on Armed Services.

EC–1750. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the effects of Aviation Continuation Pay on retention of qualified aviators during fiscal year 2006; to the Committee on Armed Services.

EC–1751. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a critical breach in Average Procurement Unit Cost for the Joint Air-to-Surface Standoff Missile; to the Committee on Armed Services.

EC–1752. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency relative to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–1753. A communication from the Secretary of Commerce, transmitting, the report of a draft bill intended to ''revise and extend the Export Administration Act of 1979, amended''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1754. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Annual Management Measures for the 2007 Pacific Halibut Fisheries and Changes to the Catch Sharing Plan for Area 2A'' (RIN0648–AV03) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1755. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Herring Fishery; 2007–2009 Specifications'' (RIN0648–AT66) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1756. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Hook-and-Line Commercial Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone'' (Docket No. 001005281–0369–02) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1757. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (ID No. 040607A) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1758. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (ID No. 040607B) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1759. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off

Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area'' (ID No. 040607E) received on May 2, 2007; to the Committee on Commerce, Science , and Transportation.

EC–1760. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Increase of Landing Limit for Georges Bank Yellowtail Flounder'' (ID No. 040407D) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1761. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands'' (ID No. 040907D) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1762. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Closure of Trimester I Fishery for Loligo Squid)'' (ID No. 112106A) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1763. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Commercial Tilefish Fishery of the Gulf of Mexico; Closure'' (ID No. 040607F) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1764. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Albacore Tuna Fisheries; Vessel List to Establish Eligibility to Fish for Albacore Tuna in Canadian Waters Under the U.S.-Canada Albacore Tuna Treaty'' (RIN0648–AU78) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1765. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Optional Use of Electronic Logbook Forms'' (RIN0648–AS29) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1766. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Regulations to Establish and Govern Seafood Marketing Councils'' (RIN0648–AS09) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1767. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for 2007 Pacific Whiting Harvest Specifications and Inseason Adjustments to Groundfish Management Measures'' (RIN0648–AU57) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1768. A communication from the Assistant Administrator for Human Capital Management, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Chief Financial Officer, received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1769. A communication from the Deputy Chief Counsel, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Rules to Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes'' (RIN0660–AA16) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1770. A communication from the General Counsel, Department of Commerce, transmitting, the report of draft legislation intended to amend the Communications Act of 1934 to terminate the Telecommunications Development Fund for various reasons; to the Committee on Commerce, Science, and Transportation.

EC–1771. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Ohio Regulatory Program'' (Docket No. OH–251–FOR) received on May 4, 2007; to the Committee on Energy and Natural Resources.

EC–1772. A communication from the Director, Office of Congressional and Intergovernmental Affairs, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Congressional and Intergovernmental Affairs, received on May 2, 2007; to the Committee on Energy and Natural Resources.

EC–1773. A communication from the Director of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf—Corrections and Amendments'' (RIN1010–AD42) received on May 3, 2007; to the Committee on Energy and Natural Resources.

EC–1774. A communication from the Secretary of Energy, transmitting, the report of a legislative proposal that would amend two sections of the Energy Policy and Conservation Act; to the Committee on Energy and Natural Resources.

EC–1775. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, the report of a draft bill entitled ''Reclamation Water Management Improvement Act''; to the Committee on Energy and Natural Resources.

EC–1776. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to an investigation of opportunities to address near-term water resources needs for coastal Mississippi resulting from the hurricane season of 2005 that was conducted by the Army Corps of Engineers; to the Committee on Environment and Public Works.

EC–1777. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, the Uniform Resource Locator for a document entitled ''Audit Policy; Frequently Asked Questions (2007)''; to the Committee on Environment and Public Works.

EC–1778. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to an evaluation by the Army Corps of Engineers of the damage reduction measures for Montauk Point, New York; to the Committee on Environment and Public Works.

EC–1779. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Arizona Department of Environmental Quality, State of Nevada, Nevada Division of Environmental Protection'' (FRL No. 8309–7) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1780. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ambient Air Monitoring Regulations: Correcting and Other Amendments'' (FRL No. 8308–7) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1781. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; California'' (FRL No. 8308–4) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1782. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Missouri; Interstate Transport of Pollution'' (FRL No. 8310–6) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1783. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Visible Emissions and Particulate Matter Rules'' (FRL No. 8308–2) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1784. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 8309–3) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1785. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Parkersburg, West Virginia Portion of the Parkersburg-Marietta, WV–OH 8–Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan'' (FRL No. 8309–9) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1786. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, and Missouri'' (FRL No. 8310–8) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1787. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department'' (FRL No. 8302–9) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1788. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Nevada State Implementation Plan, Washoe County'' (FRL No. 8303–2) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1789. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Source-Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation'' ((RIN2009–AA01)(FRL No. 8308–6)) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1790. 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 ''Section 1035—Certain Exchanges of Insurance Policies'' (Rev. Rul. 2007–24) received on May 4, 2007; to the Committee on Finance.

EC–1791. 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 ''Accrual of Interest on Nonperforming Loans'' (Rev. Rul. 2007–32) received on May 4, 2007; to the Committee on Finance.

EC–1792. 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 ''Credit for Alternative Fuel Vehicle Refueling Property'' (Notice 2007–43) received on May 4, 2007; to the Committee on Finance.

EC–1793. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Federal Activities Inventory Reform Act Inventory for fiscal year 2006; to the Committee on Finance.

EC–1794. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2008: Annual Payment Rate Updates and Policy Changes; and Hospital Direct and Indirect Graduate Medical Education Policy Changes'' (RIN0938–AO30) received on May 3, 2007; to the Committee on Finance.

EC–1795. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, the report of draft legislation intended to ''amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation''; to the Committee on Foreign Relations.

EC–1796. A communication from the Assistant Director-General, Technical Cooperation Department, Food and Agriculture Organization of the United Nations, transmitting, copies of letters intended to raise awareness among parliamentarians and mobilize their support for the efforts of developing countries to foster agriculture and rural development; to the Committee on Foreign Relations.

EC–1797. A communication from the Assistant General Counsel for Regulations, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Title I—Improving the Academic Achievement of the Disadvantaged; Individuals With Disabilities Education Act—Assistance to States for the Education of Children With Disabilities'' (RIN1810–AA98) received on May 1, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1798. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Laxative Drug Products for Over-the-Counter Human Use; Psyllium Ingredients in Granular Dosage Forms'' ((RIN0910–AF36)(Docket No. 1978N–0036L)) received on May 2, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1799. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Inpatient Psychiatric Facility Prospective Payment System Payment Update for Rate Year'' (RIN0938–AO40) received on May 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1800. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Children and Families, received on May 2, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1801. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Board's report relative to the Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–1802. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Board's report relative to the No Fear Act; to the Committee on Homeland Security and Governmental Affairs.

EC–1803. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Idaho and Montana'' (CBP Dec. 07–25) received on May 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1804. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, prospectuses that support the Administration's fiscal year 2008 Capital Investment Program; to the Committee on Homeland Security and Governmental Affairs .

EC–1805. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, additional prospectuses that support the Administration's fiscal year 2008 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–1806. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator for National Preparedness, received on May 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1807. A communication from the Chairman, U.S. Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's annual report for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–1808. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the U.S. in that fiscal year; to the Committee on Homeland Security and Governmental Affairs.

EC–1809. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of a request for reimbursement under the Meritorious Claims Act for Patrick J. Truver; to the Committee on Homeland Security and Governmental Affairs.

EC–1810. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the use and effectiveness of court-authorized Title III interceptions conducted during calendar year 2006; to the Committee on the Judiciary.

EC–1811. A communication from the Director, Administrative Office of the United States Courts, an annual report relative to crime victims' rights; to the Committee on the Judiciary.

EC–1812. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to all applications made by the Government during calendar year 2006 for authority to conduct electronic surveillance and physical search for foreign purposes under the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–1813. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the report of the amendments to the federal sentencing guidelines and policy statements made during the 2006–2007 amendment cycle; to the Committee on the Judiciary.

EC–1814. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Combat Methamphetamine Epidemic Act of 2005 Notice of Transfers Following Importation or Exportation'' (RIN1117–AB06) received on May 2, 2007; to the Committee on the Judiciary.

EC–1815. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Exemption of Chemical Mixtures'' (RIN1117–AA31) received on May 2, 2007; to the Committee on the Judiciary.

EC–1816. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the fiscal year 2007 update to the ''Long Range Plan for Information Technology in the Federal Judiciary'' and the ''Judiciary Information Technology Fund Annual Report for Fiscal Year 2006''; to the Committee on the Judiciary.

EC–1817. A communication from the Secretary of Labor, transmitting, the report of a draft bill intended to ''establish a fee for processing applications for permanent employment certification for immigrant aliens in the United States, to enhance program integrity, and for other purposes''; to the Committee on the Judiciary.

EC–1818. A communication from the Director of Regulatory Management, Veterans

Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Administration of VA Educational Benefits—Centralized Certification'' (RIN2900–AL43) received on May 2, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 496. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965 (Rept. No. 110–63).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 163. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes (Rept. No. 110–64).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1321. An original bill to enhance the energy security of the United States by promoting biofuels, energy efficiency, and carbon capture and storage, and for other purposes (Rept. No. 110–65).

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. DEMINT (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mrs. DOLE, Mr. ENZI, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS, Mr. VITTER, and Mr. WARNER):

S. 1312. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; read the first time.

By Mr. FEINGOLD:

S. 1313. A bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself and Mr. BURR):

S. 1314. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 1315. A bill to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, and Mr. KENNEDY):

S. 1316. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. BOXER, Mr. OBAMA, Mr. BAYH, Mr. LEAHY, Mr. LEVIN, Ms. LANDRIEU, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. DURBIN, Mr. VOINOVICH, Mr. KENNEDY, Mr. SALAZAR, Mr. COCHRAN, Mr. PRYOR, Ms. MIKULSKI, Mr. HAGEL, Mrs. FEINSTEIN, Mr. ENZI, Mr. REID, Ms. STABENOW, and Mr. REED):

S. 1317. A bill to posthumously award a congressional gold medal to Constance Baker Motley; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. SMITH, Mr. BOND, Mr. REED, Mrs. MURRAY, Mr. CARDIN, and Ms. SNOWE):

S. 1318. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1319. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

By Mr. KYL:

S. 1320. A bill to prohibit the rewarding of suicide bombings, to prohibit terrorist kidnappings and sexual assaults, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1321. An original bill to enhance the energy security of the United States by promoting biofuels, energy efficiency, and carbon capture and storage, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mrs. LINCOLN:

S. 1322. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. PRYOR, Mr. GRAHAM, Mr. BAUCUS, Mr. CORNYN, Mrs. LINCOLN, Mr. ALEXANDER, Mrs. DOLE, and Mr. BUNNING):

S. 1323. A bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. REID (for Mr. OBAMA (for himself and Mr. HARKIN)):

S. 1324. A bill to amend the Clean Air Act to reduce greenhouse gas emissions from transportation fuel sold in the United States; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 189. A resolution to authorize testimony and legal representation in District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada; considered and agreed to.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. Res. 190. A resolution expressing the condolences of the Nation to the community of Greensburg, Kansas; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. Con. Res. 33. A concurrent resolution recognizing the benefits and importance of school-based music education; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 147

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 242

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 276

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 276, a bill to strengthen the consequences of the fraudulent use of United States or foreign passports and for other purposes.

S. 309

At the request of Mr. SANDERS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 382

At the request of Ms. COLLINS, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 392

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. VOINOVICH) 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. 413

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 430

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) 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 name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 502

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 579

At the request of Mr. REID, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 588

At the request of Mr. NELSON of Florida, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. ISAKSON) 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. 953

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 953, a bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor 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. 970

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN), and the Senator from Montana (Mr. TESTER), were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 971

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 971, 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.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1113

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Minnesota (Ms. KLOBUCHAR), were added as cosponsors of S. 1113, a bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1161

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1233

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) 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. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor 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. 1263

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of 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.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1305

At the request of Mr. COBURN, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1305, a bill making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

S. CON. RES. 29

At the request of Mr. NELSON of Florida, the names of the Senator from Ohio (Mr. BROWN), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KERRY), the Senator from Tennessee (Mr. CORKER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Con. Res. 29, a concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

S. RES. 30

At the request of Mr. BIDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

AMENDMENT NO. 1009

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 1009 intended to be 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. 1043

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 1043 intended to be 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. AKAKA:

S. 1315. A bill to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the Disabled Veterans Insurance Improvement Act of 2007.

The purpose of this legislation is to make certain improvements in the insurance programs available to service-connected disabled veterans. It has two main components.

First, this legislation would increase the maximum amount of Veterans Mortgage Life Insurance, VMLI, that a service-connected disabled veteran may purchase from the current maximum of $90,000 to $200,000. The VMLI program was established in 1971 and is available to those service-connected disabled veterans who have received specially adapted housing grants from VA. In the event of the veteran's death, the veteran's family is protected because the Department of Veterans Affairs will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

The need for this increase is obvious in today's housing market where, during February, the median sale price of a home in the United States was estimated by the Bureau of Census to be $250,000. My legislation would ensure that this important benefit, which helps secure the financial future of many veterans and their families, keeps pace with changes in the economy.

My bill would also establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of $50,000 in level premium term life insurance coverage. This new program would be available to service-connected disabled veterans who are less than 65 years of age at the time of application.

Under the new program, eligible service-connected veterans would be able to purchase, in increments of $10,000, up to a maximum amount of $50,000 in insurance. Importantly, unlike existing life insurance programs, the premium rates for this program would be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality rather than the 1941 mortality table that the Service-Disabled Veterans Insurance, S-DVI, program is based upon.

When an insured veteran reaches age 70, two things would occur under this new program of insurance. First, the amount of insurance would be reduced to 20 percent of the amount of insurance in force prior to the veteran's 70th birthday. Second, the veteran would cease making premium payments. This means that during those years where the family's financial obligations would be commensurately higher because of children, mortgages, and the potential impact of any loss of income, the veteran's family would be able to purchase the maximum amount of term life insurance. At age 70, when resources are likely to be most restricted and the need for substantial insurance to take care of a family's needs after the veteran's death have lessened, the veteran would no longer have an obligation to continue to pay any insurance premiums.

My proposal provides that application for this insurance would need to be submitted by an eligible veteran within 2 years from the date on which VA establishes a service-connected disability to exist but not later than 10 years after a veteran's release from active duty. It would further provide that during the first year of the program, any eligible veteran who is presently insured under the S-DVI program could convert that insurance to a policy under this new program.

Both of the proposals contained in the legislation I am introducing today are compatible with the provisions of S. 643, the proposed Disabled Veterans Insurance Act of 2007, which I introduced on February 15 of this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1315

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 ''Disabled Veterans Insurance Improvement Act of 2007''.

SEC. 2. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) of title 38, United States Code, is amended by striking ''$90,000'' and inserting ''$200,000''.

SEC. 3. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 of title 38, United States Code, is amended by inserting after section 1922A the following new section:

''§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities

''(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

''(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

''(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be $50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by $10,000.

''(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed $50,000.

''(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

''(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

''(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

''(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

''(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

''(B) A veteran who is 70 years of age or older.

''(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

''(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

''(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

''(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

''(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of such title is amended by inserting after the item related to section 1922A the following new item:

''1922B. Level-premium term life insurance for veterans with service-connected disabilities.''.

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the date of the enactment of this Act, any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of title 38, United States Code (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

SEC. 4. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) of title 38, United States Code, is amended by striking ''date of such insurance'' and inserting ''date of such insurance; (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund''.

SEC. 5. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) of title 38, United States Code, is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENT.—Paragraph (5)(C) of such section 1967(a) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) of such title is amended by striking ''120 days after''.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, and Mr. KENNEDY)

S. 1316. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join with Senators DURBIN and KENNEDY in introducing the Firearms by Foreign Convicts Clarification Act. This bill would close a loophole that exists in current law, by stating that people convicted of foreign felonies and domestic violence, just like people convicted of similar American crimes, cannot possess firearms in the United States.

I imagine that most Americans may be surprised, as I was, to learn that foreign felons actually have greater gun rights than American citizens who have been convicted of felonies and domestic violence in our own courts. Our country has been trying to keep guns out of the hands of criminals for at least the last 40 years, since the landmark Gun Control Act of 1968. Unfortunately, in 2005 the Supreme Court created a gaping loophole in this longstanding felon-in-possession law.

That happened in the case of Small v. United States, where a majority of the Court essentially held that foreign convictions don't count for the purpose of being a felon in possession of a firearm. This was not because the Justices somehow thought that exempting foreign convictions from our felon-in-possession laws was wise public policy. In fact, as Justice Thomas noted in his dissent, ''the majority's interpretation permits those convicted overseas of murder, rape, assault, kidnapping, terrorism and other dangerous crimes to possess firearms freely in the United States.''

The problem in Small was that a majority of the Court felt that our 1968 law had not been written clearly enough. Although Congress had said that a person convicted of a felony ''in any court'' could not possess a firearm, the majority said that this phrase, ''any court,'' might have been meant to apply only to ''any American court'' rather than what the legislation actually said—''any court.''

The Federal felon-in-possession law had already been applied to foreign felons in several prosecutions since 1968, but the Court found unpersuasive both this history and the statute's express language. Dissenting Justices Thomas, Scalia and Kennedy accused the majority of creating a novel canon of legal construction that will ''wreak havoc'' with established rules of extraterritorial construction. But whatever we may think of the Court's analysis, there is no doubt that the Small decision is now the law of the land. And if we want to close this legal loophole, it is clear that we need to pass some clarifying legislation. The bill I introduce today would do just that.

Under this bill, section 921 of Title 18, the definitions section, would be amended to state clearly that ''[t]he term 'any court' includes any Federal, State, or foreign court.'' Similar changes would be made in other sections of the Gun Control Act, where there are references to ''state offenses'' or ''offenses under state law, the bill would expand these terms to include convictions of foreign offenses and offenses under foreign law.

In other words, the bill would make clear that if someone is convicted in a foreign court of an offense that would have disqualified him from possessing a gun if that conviction had been handed

down in the U.S., the same laws relating to gun possession will be applied. The only exception will be if there is reason to think the conviction entered by the foreign jurisdiction is somehow invalid.

In that situation, this bill would create an exemption, allowing a person convicted in a foreign jurisdiction to challenge its validity. Under the bill, a foreign conviction will not constitute a ''conviction'' for purposes of the felon-in-possession laws, if the foreign conviction either (1) resulted from a denial of fundamental fairness that would violate due process if committed in the United States, or (2) if the conduct on which the foreign conviction was based would be legal if committed in the United States.

I expect that these circumstances will be fairly rare, but the bill does take them into account and will provide a complete defense to anyone with an invalid foreign conviction. And in any event, it is clear that we should not keep in place a policy in which the tail wags the dog. The current state of the law is that we essentially treat every foreign conviction as invalid. And that is simply illogical.

An example of why we need to fix this law occurred in 2001, when U.S. agents with bulletproof vests raided the New York hotel room of suspect Rohan Ingram. Ingram was found with 13 firearms and had an extensive criminal background, including at least 18 convictions for crimes such as assault and use of firearms during crimes. Law enforcement had flagged him as ''armed and dangerous.'' But because all of his convictions had occurred in foreign courts, his felon-in-possession charge was eventually thrown out of court. That is simply not a tolerable state of affairs in a post- 9/11 world.

Particularly in these times, America cannot continue to give foreign-convicted murderers, rapists and even terrorists an unlimited right to buy firearms in the United States, including even assault weapons that they might try to send to colleagues abroad, or use to develop a cache of weapons to use to kill our citizens within the United States. American citizens convicted of identical crimes at home are denied the ability to buy and possess such firearms, and the time has come to fix this loophole so that foreign convicts are placed in the same category.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1316

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 ''Firearms by Foreign Convicts Clarification Act of 2007''.

SEC. 2. DEFINITIONS.

(a) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'any court' includes any Federal, State, or foreign court.''.

(b) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''any Federal or State offenses'' and inserting ''any Federal, State, or foreign offenses'';

(2) in subparagraph (B), by striking ''any State offense classified by the laws of the State'' and inserting ''any State or foreign offense classified by the laws of that jurisdiction''; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)(ii), by striking ''if the conviction has'' and inserting the following: ''if the conviction—

''(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

''(II) has''.

SEC. 3. PENALTIES.

Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking ''an offense under State law'' and inserting ''an offense under State or foreign law''; and

(2) by inserting before the semicolon the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1319. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, I rise today to support this bill addressing the need for a fourth permanent judgeship for the District of Hawaii.

Hawaii currently has four active District Court judges. However, if any of its four active judges either accepts senior status and retires, or becomes otherwise unable to serve, the District of Hawaii will not be able to replace that vacancy with another active judge. This will pose a problem for not only the active judges, as their workload will increase, but also for the public because an unfilled vacancy may have a disastrous effect on our court's caseloads. This bill ensures the continued efficiency of Hawaii's District court system.

Thank you for allowing me this opportunity to share with you the importance of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1319

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

SECTION 1. CONVERSION OF TEMPORARY JUDGESHIP TO PERMANENT JUDGESHIP FOR THE DISTRICT OF HAWAII.

(a) IN GENERAL.—The existing judgeship for the district of Hawaii authorized by section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note; Public Law 101–650; 104 Stat. 5089) shall, as of the date of enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbent in that office shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(b) TABLES.—In order that the table contained in section 133(a) of title 28, United States Code, will reflect the change in the total number of permanent district judgeships authorized as a result of subsection (a) of this section, the item relating to Hawaii is amended to read as follows:

''Hawaii ..... 4''.

Mr. AKAKA. Mr. President, I rise today with my colleague from Hawaii, Senator DANIEL INOUYE, to introduce legislation to convert a temporary judgeship for the U.S. District Court for the District of Hawaii to a permanent position.

There are currently 3 permanent Federal judgeships and one temporary Federal judgeship in the U.S. District Court, District of Hawaii. The Judicial Improvement Act of 1990, P.L. 101–650 created the temporary position and mandates that the first vacancy occurring in Hawaii after October 2004 cannot be filled. The District of Hawaii will be left with only 3 Federal judge positions upon a judge vacating his or her position. The loss of a judgeship will severely impact Hawaii's judicial system.

In March 2007, the Judicial Conference recommended that Congress convert 5 temporary judgeships, one of which is in the District of Hawaii, to permanent status. Their recommendation is largely based on the significant increase in weighted filings that would occur if a judgeship is lost. The Conference projects that the current weighted filing of 380 per judgeship would climb to 507 per judgeship, which is 18 percent above the Conference standard, should the District of Hawaii lose a judgeship.

In addition, the Conference reported that the median time from filing to disposition for criminal cases in Hawaii has continued to increase from 1999 to 2005, making Hawaii's case processing times the second slowest in the nation. Since 2001, the District Court of Hawaii has completed an average of 50 trials per year, significantly less than the national average. Although Hawaii has 4 judgeships, 2 are senior judges

who only handle a small number of civil cases. The limited assistance provided by these senior judges is likely to decline further in the near future. These judges are not able to retire due to the constraints put forth by the loss of the temporary judgeship seat, should one of the current judges decide to leave. Furthermore, receiving assistance from visiting judges is made difficult by the high cost of travel to Hawaii. For these, and many other reasons, the Judicial Council of the Ninth Circuit supports the Judicial Conference's recommendation to convert this temporary judgeship to a permanent position.

I share the concern of many in Hawaii's legal community that the lack of a fourth permanent position will delay the timely issuance of justice in matters pending before the U.S. District Court, District of Hawaii. This is a disservice to all. The economic impact of extending trials and prolonging time spent in jail will burden Hawaii's taxpayers. Moreover, the lack of timely judicial review will have negative social impacts by prolonging the disruption in individuals' families and lives. The bill we introduce today would ensure 4 Federal judgeships remain active in Hawaii to address the needs of the District Court of Hawaii and the people of Hawaii.

By Mr. REID (for Mr. OBAMA (for himself and Mr. HARKIN)):

S. 1324. A bill to amend the Clean Air Act to reduce greenhouse gas emissions from transportation fuel sold in the United States; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, we heard from a panel of top climate change experts from around the world earlier this year that global warming is a certainty and that most of the temperature increase is very likely due to rising greenhouse gas concentrations. Reducing America's dependence on oil should be one of our top priorities, but any policy that affects our production and consumption of fuel must also address the pressing problem of global warming. Because the oil used in the U.S. transportation sector accounts for about one-third of our nation's emissions of greenhouse gases, we must adopt a policy that curtails these emissions in an effective manner.

Today, along with Senator HARKIN, I am introducing the National Low-Carbon Fuel Standard Act of 2007, which calls for a reduction in the lifecycle greenhouse gas emissions of the transportation fuels sold in the U.S. of 5 percent in 2015 and 10 percent in 2020. These reductions can play an important role in stemming the dangerous transformation of our climate.

According to one estimate, the National Low-Carbon Fuel Standard, NLCFS, would reduce annual greenhouse gas emissions by about 180 million metric tons in 2020. This is the equivalent of taking over 30 million cars off the road. If enacted in conjunction with the bill I introduced earlier this year to raise fuel efficiency standards, the NLCFS would reduce greenhouse gas emissions by about 530 million metric tons in 2020, the equivalent of taking over 50 million cars off the road.

The effect on our oil imports would also be dramatic. By making greater use of home-grown, renewable fuels, the NLCFS could reduce the annual consumption of gasoline derived from foreign oil imports by about 30 billion gallons in 2020.

The NLCFS will greatly expand the market for domestic renewable fuels such as corn-based ethanol, cellulosic ethanol, and biodiesel. By one estimate, the NLCFS will create a market for over 40 billion gallons of biofuels by 2020. To provide near-term demand certainty for renewable fuel producers, the bill expands the Renewable Fuel Standard established in the Energy Policy Act of 2005 to require 15 billion gallons of renewable fuel by 2012.

The bill also contains a minimum requirement for fuels with lifecycle greenhouse gas emissions that are 50 and 75 percent lower than gasoline. This requirement signals to investors that there will be a market for advanced fuels with ultra-low carbon emissions, but still allows significant leeway for fuel blenders to choose the optimal mix of fuels to meet their overall greenhouse gas emissions targets.

Because the NLCFS will encourage a rapid expansion of our domestic renewable fuels production capacity, the bill contains provisions that protect sensitive areas like national wildlife refuges, national parks, old-growth forests, national grasslands, and national forests. The bill calls for an assessment of the impacts of the expansion compared to the business-as-usual scenario of continued reliance on petroleum-based transportation fuels, and the development of standards by 2012 to protect air, land, and water quality. This approach strikes a balance between the need to rapidly expand our domestic renewable fuel production capacity and the need to ensure sustainability and environmental protection. I urge my colleagues to support the National Low-Carbon Fuel Standard Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 189—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN DISTRICT OF COLUMBIA V. ELLEN E. BARFIELD, EVE-LEONA TETAZ, JEFFREY A. LEYS, AND JEROME A. ZAWADA

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas, in the cases of District of Columbia v. Ellen E. Barfield (Cr. No. 07–3133), Eve-Leona Tetaz (Cr. No. 07–3144), Jeffrey A. Leys (Cr. No. 07–5009), and Jerome A. Zawada (Cr. No. 07–5088), pending in the Superior Court for the District of Columbia, testimony has been requested from Katie Landi, an employee in the office of Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Katie Landi and any other employees of Senator McCain's office from whom testimony may be required are authorized to testify in the cases of District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Katie Landi and other employees of Senator McCain's staff in the actions referenced in section one of this resolution.

SENATE RESOLUTION 190—EXPRESSING THE CONDOLENCES OF THE NATION TO THE COMMUNITY OF GREENSBURG, KANSAS

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following resolution, which was considered and agreed to:

S. RES. 190

Whereas, on Friday, May 4, 2007, a tornado struck the community of Greensburg, Kansas;

Whereas this tornado was classified as an EF-5, the strongest possible type, by the National Weather Service, with winds estimated at 205 miles per hour;

Whereas the tornado is the first EF-5 on the Enhanced Fujita scale, and the first F-5 on the previous scale since 1999;

Whereas approximately 95 percent of Greensburg is destroyed;

Whereas 1,500 residents have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Kansas to assist in local recovery efforts: Now, therefore, be it

Resolved, That the Senate expresses the condolences of the Nation to the community of Greensburg, Kansas, and its gratitude to local, State, and National law enforcement and emergency responders conducting search and rescue operations.

SENATE CONCURRENT RESOLUTION 33—RECOGNIZING THE BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY) submitted the

following concurrent resolution, which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 33

Whereas school music programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol, and have better attendance in school;

Whereas the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1045. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID 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 1046. Ms. STABENOW (for herself, Mr. KOHL, Mr. HATCH, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1047. Mr. ROBERTS (for himself, Mr. HARKIN, Mr. BURR, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1048. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1049. Mr. ENZI (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1050. Mr. ENZI (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1051. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1052. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1053. Mr. ENZI (for himself, Mr. KENNEDY, Mr. DODD, 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 1054. 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 1055. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1056. Mr. REED (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1057. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1058. Mr. DEMINT (for himself, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1059. Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1060. Mr. HATCH (for himself and Mr. KENNEDY) 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 1045. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. Reid 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. ___. IMPROVING GENETIC TEST SAFETY AND QUALITY.

Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study to assess the overall safety and quality of genetic tests and prepare a report that includes recommendations to improve Federal oversight and regulation of genetic tests. Such study shall take into consideration relevant reports by the Secretary's Advisory Committee on Genetic Testing and other groups and shall be completed not later than 1 year after the date on which the Secretary entered into such contract.

SA 1046. Ms. STABENOW (for herself, Mr. KOHL, Mr. HATCH, and Mr. COBURN) 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 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:

''(s) 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 OR APPROVAL.—Except as provided in clause (iii), the receipt and consideration of a petition described in clause (i) shall not delay consideration or approval of an application submitted under subsection (b)(2) or (j).

''(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 25 business 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; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) 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; and (b) 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 for an action described in paragraph (1)(A)(i) to the Secretary, without regard to whether the request is characterized as a petition.''.

SA 1047. Mr. ROBERTS (for himself, Mr. HARKIN, Mr. BURR, 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; which was ordered to lie on the table; as follows:

Strike subparagraphs (E) and (F) of section 505(o)(5) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, and insert the following:

''(E) SPECIFIC DISCLOSURES.—

''(i) SERIOUS RISK; SAFETY PROTOCOL.—If the Secretary determines that advertisements lacking a specific disclosure about a serious risk listed in the labeling of a drug or about a protocol to ensure safe use described in the labeling of the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

''(ii) DATE OF APPROVAL.—If the Secretary determines that advertisements lacking a specific disclosure of the date a drug was approved and disclosure of a serious risk would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

''(iii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to include a specific disclosure under clause (i) or (ii).

''(iv) REQUIRED SAFETY SURVEILLANCE.—If the approved risk evaluation and mitigation strategy for a drug requires the specific disclosure under clause (ii), the Secretary shall—

''(I) consider identifying and assessing all serious risks of using the drug to be a priority safety question under subsection (k)(3)(B);

''(II) not less frequently than every 3 months, evaluate the reports under subsection (k)(1) and the routine active surveillance as available under subsection (k)(3) with respect to such priority drug safety question to determine whether serious risks that might occur among patients expected to be treated with the drug have been adequately identified and assessed;

''(III) remove such specific disclosure requirement as an element of such strategy if such serious risks have been adequately identified and assessed; and

''(IV) consider whether a specific disclosure under clause (i) should be required.

On page 101, strike lines 7 through 9.

At the end of the bill, add the following:

SEC. ____. CIVIL PENALTIES; DIRECT-TO-CONSUMER ADVERTISEMENT.

(a) CIVIL 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)(1) Any applicant (as such term is used in section 505(o)) who disseminates a direct-to-consumer advertisement for a prescription drug that is false or misleading and a violation of section 502(n) shall be liable to the United States for a civil penalty in an amount not to exceed $150,000 for the first such violation in any 3-year period, and not to exceed $300,000 for each subsequent violation committed after the applicant has been penalized under this paragraph any time in the preceding 3-year period. For the purposes of this paragraph, repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered as 1 violation.

''(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the applicant to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the applicant to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

''(3) Upon the request of the applicant to be assessed a civil penalty, the Secretary, in determining the amount of a civil penalty, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

''(A) Whether the applicant submitted the advertisement or a similar advertisement for review under section 736A.

''(B) Whether the applicant submitted the advertisement for prereview if required under section 505(o)(5)(D).

''(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the applicant disseminated the advertisement before the end of the 45-day comment period.

''(D) Whether the applicant failed to incorporate any comments made by the Secretary with regard to the advertisement or a similar advertisement into the advertisement prior to its dissemination.

''(E) Whether the applicant ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

''(F) Whether the applicant had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

''(G) Whether the violations were material.

''(H) Whether the applicant who created the advertisement acted in good faith.

''(I) Whether the applicant who created the advertisement has been assessed a civil penalty under this provision within the previous 1-year period.

''(J) The scope and extent of any voluntary, subsequent remedial action by the applicant.

''(K) Such other matters, as justice may require.

''(4)(A) Subject to subparagraph (B), no applicant shall be required to pay a civil penalty under paragraph (1) if the applicant submitted the advertisement to the Secretary and disseminated such advertisement after incorporating any comment received from the Secretary.

''(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the applicant of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

''(5) The Secretary may compromise, modify, remit, with or without conditions, any civil penalty which may be assessed under

paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owned by the United States to the applicant charged.

''(6) Any applicant who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such applicant resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

''(7) If any applicant fails to pay an assessment of a civil penalty—

''(A) after the order making the assessment becomes final, and if such applicant does not file a petition for judicial review of the order in accordance with paragraph (6); or

''(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.''.

(b) DIRECT-TO-CONSUMER ADVERTISEMENT.—

(1) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by inserting after the first sentence the following: ''In the case of an advertisement for a prescription drug presented directly to consumers in television or radio format that states the name of the drug and its conditions of use, the major statement relating to side effects, contraindications, and effectiveness referred to in the previous sentence shall be stated in a clear and conspicuous (neutral) manner.''.

(2) REGULATIONS TO DETERMINE NEUTRAL MANNER.—The Secretary of Health and Human Services shall by regulation establish standards for determining whether a major statement, relating to side effects, contraindications, and effectiveness of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by paragraph (1)) is presented in the manner required under such section.

SA 1048. Ms. SNOWE 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 appropriate place, insert the following:

SEC. ____. MARKETING OF CERTAIN CRUSTACEANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of the Federal Food, Drug, and, Costmetic Act (21 U.S.C. 301 et seq.) the term ''lobster'' may not be used to label or advertise the sale of any seafood product from the infraorder Garidea or Anomura.

(b) MISBRANDED FOOD.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

(y) LOBSTER.—If it purports to be, or is represented as being, lobster but is from the infraorder Caridea or Anomura.''.

SA 1049. Mr. ENZI (for himself and Mr. KENNEDY) 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 104, strike line 23 and all that follows through line 14 on page 105 and insert the following:

''(II) the amount equal to one-fifth of the excess amount in item (bb), provided that—

''(aa) the amount of the total appropriation for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriation for the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1); and

''(bb) the amount of the total appropriations for the process of human drug review at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations for the process of human drug review at the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any fiscal year 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008.' ''.

SA 1050. Mr. ENZI (for himself and Mr. KENNEDY) 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. ____. COLOR CERTIFICATION REPORTS.

Section 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e) is amended by adding at the end the following:

''(g) COLOR CERTIFICATION REPORTS.—Not later than—

''(1) 90 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a performance report for such fiscal year on the number of batches of color additives approved, the average turn around time for approval, and quantifiable goals for improving laboratory efficiencies; and

''(2) 120 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a financial report for such fiscal year that includes all fees and expenses of the color certification program, the balance remaining in the fund at the end of the fiscal year, and anticipated costs during the next fiscal year for equipment needs and laboratory improvements of such program.''.

SA 1051. Mr. STEVENS (for himself and Ms. MURKOWSKI) 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. ____. CONSULTATION REGARDING GENETICALLY ENGINEERED SEAFOOD PRODUCTS.

The Commissioner of Food and Drugs shall consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration before granting final approval to use or produce a genetically engineered seafood product.

SA 1052. Mr. CORKER 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 ON COMMINGLING.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act (or an amendment made by this Act) a registered importer shall not commingle a prescription drug imported into the United States under this Act (or amendment) with another prescription drug, regardless of whether such other drug is a domestic prescription drug or a prescription drug from a permitted country.

''(b) LABEL.—A registered importer (including an Internet pharmacy) that dispenses a prescription drug imported from a permitted country shall affix on each dispensed container of the prescription drug the label required under subsection (c), unless such a label is already affixed to the container.

''(c) REQUIREMENTS.—Each prescription drug imported under this Act (or an amendment made by this Act) shall be in a container that bears a label stating, in prominent and conspicuous type—

''(1) the following statement: 'This drug has been imported from _____.' with the name of the permitted country from which the prescription drug has imported in the blank space; and

''(2) that the container complies with any other applicable requirement of this Act.''.

SA 1053. Mr. ENZI (for himself, Mr. KENNEDY, Mr. DODD, 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:

On page 226, line 4, strike ''later'' and insert ''if the determination made under subsection (d)(3) is made less''.

On page 228, line 3, strike ''later'' and insert ''if the determination made under subsection (d)(3) is made less''.

On page 233, line 12, insert '', such as expertise in child and adolescent psychiatry,'' after ''expertise''.

On page 233, line 15, strike ''including'' and insert ''which may include''.

On page 233, between lines 18 and 19, insert the following:

''(C) ACTION BY COMMITTEE.—The committee established under this paragraph may perform a function under this section using appropriate members of the committee under subparagraph (B) and need not convene all members of the committee under subparagraph (B) in order to perform a function under this section.

''(D) DOCUMENTATION OF COMMITTEE ACTION.—The committee established under this

paragraph shall document for each function under paragraphs (2) and (3), which members of the committee participated in such function.

On page 234, line 1, strike ''determine'' and insert ''make a recommendation to the Secretary''.

On page 235, line 2, strike ''and''.

On page 235, line 6, strike ''.'';'' and insert ''; and''

On page 235, between lines 6 and 7, insert the following:

''(H) the number of times the committee established under paragraph (1) made a recommendation to the Secretary under paragraph (3), the number of times the Secretary did not follow such a recommendation to accept reports under subsection (d)(3), and the number of times the Secretary did not follow such a recommendation to reject such reports under section (d)(3).

''(5) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505B(f)(1).'';

On page 260, lines 17 through 19, strike ''of a letter, or a written request under section 505A that was declined by the sponsor or holder'' and insert ''of a written request under section 505A that was declined by the sponsor or holder, or a letter referencing such declined written request,''.

On page 261, line 3, strike ''appropriate'' and insert ''appropriate, for the labeled indication or indications,''.

On page 263, line 14, insert '', such as expertise in child and adolescent psychiatry,'' after ''expertise''

On page 263, between lines 19 and 20, insert the following and redesignate the remaining paragraphs accordingly:

''(2) ACTION BY THE COMMITTEE.—The committee established under paragraph (1) may perform a function under this section using appropriate members of the committee under paragraph (1) and need not convene all members of the committee under paragraph (1) in order to perform a function under this section.

''(3) DOCUMENTATION OF COMMITTEE ACTION.—For each drug or biological product, the committee established under this paragraph shall document for each function under paragraph (4) or (5), which members of the committee participated in such function.

On page 265, between lines 18 and 19, insert the following:

''(7) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505A(f)(1).

On page 289, line 16, strike ''**SURVEILLANCES**'' and insert ''**POSTMARKET SURVEILLANCE**''.

On page 289, line 17, strike ''SURVEILLANCES'' and insert ''SURVEILLANCE''.

On page 290, strike lines 9 through 12 and insert the following:

''(iii) that is intended to be—

''(I) implanted in the human body for more than 1 year; or

''(II) a life-sustaining or life-supporting device used outside a device user facility.

On page 290, line 15, strike ''of an'' and all that follows through ''section 510(k) only for'' on line 19, and insert ''or clearance of''.

SA 1054. 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 based on a comparison with equivalent products manufactured, distributed, or sold in the U.S. (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, the Department of Commerce, 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 1055. Mr. LEVIN 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. ___. SAFETY OF FOOD ADDITIVES.

Not later than 90 days after the date of enactment of this Act, the Food and Drug Administration shall issue a report on the question of whether substances used to preserve the appearance of fresh meat may create any health risks, or mislead consumers.

SA 1056. Mr. REED (for himself, and Mr. ISAKSON) 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. ___. REPORT BY THE FOOD AND DRUG ADMINISTRATION REGARDING LABELING INFORMATION ON THE RELATIONSHIP BETWEEN THE USE OF INDOOR TANNING DEVICES AND DEVELOPMENT OF SKIN CANCER OR OTHER SKIN DAMAGE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Commissioner of Food and Drugs, shall determine—

(1) whether the labeling requirements for indoor tanning devices, including the positioning requirements, provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the eyes and skin, including skin cancer; and

(2)(A) whether modifying the warning label required on tanning beds to read, ''Ultraviolet radiation can cause skin cancer'', or any other additional warning, would communicate the risks of indoor tanning more effectively; or

(B) whether there is no warning that would be capable of adequately communicating such risks.

(b) CONSUMER TESTING.—In making the determinations under subsection (a), the Secretary shall conduct appropriate consumer testing, using the best available methods for determining consumer understanding of label warnings.

(c) PUBLIC HEARINGS; PUBLIC COMMENT.—The Secretary shall hold public hearings and solicit comments from the public in making the determinations under subsection (a).

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that provides the determinations under subsection (a). In addition, the Secretary shall include in the report the measures being implemented by the Secretary to significantly reduce the risks associated with indoor tanning devices.

SA 1057. Mr. GREGG 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 __—INTERNET PHARMACIES

SEC. __01. SHORT TITLE.

This title may be cited as the ''Safe Internet Pharmacy Act of 2007''.

SEC. __02. 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.

''(iv) EXCESS FEES.—Any amount collected by the Secretary under this paragraph for a fiscal year that is in excess of the costs of enforcing the requirements of this section for such fiscal year shall be deposited in the Treasury.

''(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 133 percent of 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 title, 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 1058. Mr. DEMINT (for himself, Mr. COBURN, and Mr. MARTINEZ) 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. ___. SENSE OF THE SENATE REGARDING CERTAIN PATENT INFRINGEMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The value of American innovation in developing life-saving prescription drugs saves millions of lives around the world each year.

(2) The protection of intellectual property is vital to the continued development of new and life-saving drugs and future growth of the United States economy.

(3) In order to maintain the global competitiveness of the United States, the United States Trade Representative's Office of Intellectual Property and Innovation develops and implements trade policy in support of vital American innovations, including innovation in the pharmaceutical and medical technology industries.

(4) The United States Trade Representative also provides trade policy leadership and expertise across the full range of interagency initiatives to enhance protection and enforcement of intellectual property rights.

(5) When other countries do not respect the intellectual property of American drug companies, all patients suffer because of diminished incentives to develop new life-saving medications and the American economy is unfairly harmed.

(6) Strong intellectual property protection, including patent, copyright, trademark, and data protection plays an integral role in fostering economic growth and development and ensuring patient access to the most effective medicines around the world.

(7) Certain countries have engaged in unfair price manipulation and abuse of compulsory licensing. This results in Americans bearing the majority of research and development costs for the world, undermines the value of existing United States pharmaceutical patents and could impede access to important therapies.

(8) There is a growing global threat of counterfeit medicines and increased need for the United States Trade Representative and other United States agencies to use available trade policy measures to strengthen laws and enforcement abroad to prevent harm to United States patients and patients around the world.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Trade Representative should use all the tools at the disposal of the Trade Representative to deal with violations of intellectual property rights, including—

(A) bilateral engagement with United States trading partners;

(B) transparency of the annual ''Special 301'' review and reviews of compliance with the intellectual property requirements of countries with respect to which the United States grants trade preferences;

(C) negotiation of intellectual property provisions as part of bilateral and regional trade agreements; and

(D) multilateral engagement through the World Trade Organization (WTO); and

(2) the United States Trade Representative should develop and implement a strategic plan to address the problem of countries that infringe upon American pharmaceutical intellectual property rights and the problem of countries that engage in price manipulation.

SA 1059. Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) 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. ___. ENHANCED AQUACULTURE AND SEAFOOD INSPECTION.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.

(2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.

(3) To protect the health and safety of consumers in the United States, the ability of the Secretary of Health and Human Services to perform inspection functions must be enhanced.

(b) HEIGHTENED INSPECTIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall, by regulation, enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(2) CONTENT.—The Secretary shall ensure that the regulations promulgated under paragraph (1) to enhance the inspection regime—

(A) ensure that aquaculture and seafood products are not contaminated with substances that are not approved for use in food in the United States;

(B) include the authority to refuse imports of such products from a foreign facility if a requested inspection of the foreign facility is refused or unnecessarily delayed;

(C) take into account whether the United States has a cooperative agreement regarding aquaculture and seafood inspection; and

(D) provide for an assessment of the risk associated with particular contaminants.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the specifics of the aquaculture and seafood inspection program; and

(2) the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported, for the purpose of identifying the processing plant of origin of such products.

(d) PARTNERSHIPS WITH STATES.—Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs regarding the importation of aquaculture and seafood.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 1060. Mr. HATCH (for himself and Mr. KENNEDY) 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. ___. FOOD AND DRUG ADMINISTRATION FUNDING SUBMISSION.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 714. FOOD AND DRUG ADMINISTRATION FUNDING SUBMISSION.

''For each of fiscal years 2009 through 2013, the Commissioner of Food and Drugs shall prepare and submit, directly to the President for review and transmittal to Congress, an annual Food and Drug Administration funding submission estimate (including the number and type of personnel needs for the Food and Drug Administration), after reasonable opportunity for comment (but without change) by the Secretary.''.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 30, at 12 p.m. in the Medford City Council Chambers at 411 West 8th Street in Medford, Oregon.

The purpose of the hearing is to receive testimony on the impacts of the Chinese hardwood plywood trade on the National Forest System and other public lands, and the communities that depend on them.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224–5488 or Rachel Pasternack at (202) 224–0883.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that at 11:50 tomorrow, the Senate proceed to executive

session to consider Executive Calendar No. 84, the nomination of Frederick J. Kapala to be a U.S. district judge, there be 20 minutes of debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees, and at the conclusion or yielding back of time, the Senate vote without any intervening action on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 1138

Mr. BROWN. I ask unanimous consent that S. 1138 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

BY SENATE LEGAL COUNSEL AUTHORIZATION

Mr. BROWN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 189 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) to authorize testimony and legal representation in the District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in actions pending in the Superior Court for the District of Columbia. In these actions, anti-war protesters have been charged with unlawful assembly for refusing repeated requests to leave Senator MCCAIN's Washington, DC., office on or about February 5, 2007. Trials of these defendants are scheduled to commence on May 11, 2007. The prosecution has requested that a member of the Senator's staff who had conversations with the defendants during the events in question testify in this case. Senator MCCAIN would like to cooperate by providing testimony from his staff. This resolution would authorize that staff member, and any other employee of Senator MCCAIN's office from whom evidence may be required, to testify in this action, with representation by the Senate Legal Counsel.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas, in the cases of District of Columbia v. Ellen E. Barfield (Cr. No. 07–3133), Eve-Leona Tetaz (Cr. No. 07–3144), Jeffrey A. Leys (Cr. No. 07–5009), and Jerome A. Zawada (Cr. No. 07–5088), pending in the Superior Court for the District of Columbia, testimony has been requested from Katie Landi, an employee in the office of Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978,2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Katie Landi and any other employees of Senator McCain's office from whom testimony may be required are authorized to testify in the cases of District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Katie Landi and other employees of Senator McCain's staff in the actions referenced in section one of this resolution.

EXPRESSING CONDOLENCES TO GREENSBURG, KS

Mr. BROWN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 190 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 190) expressing the condolences of the Nation to the community of Greensburg, Kansas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, on Friday, May 4, 2007, a tornado struck the community of Greensburg, Kansas;

Whereas this tornado was classified as an EF-5, the strongest possible type, by the National Weather Service, with winds estimated at 205 miles per hour;

Whereas the tornado is the first EF-5 on the Enhanced Fujita scale, and the first F-5 on the previous scale since 1999;

Whereas approximately 95 percent of Greensburg is destroyed;

Whereas 1,500 residents have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Kansas to assist in local recovery efforts: Now, therefore, be it

Resolved, That the Senate expresses the condolences of the Nation to the community of Greensburg, Kansas, and its gratitude to local, State, and National law enforcement and emergency responders conducting search and rescue operations.

MEASURE READ THE FIRST TIME

Mr. BROWN. I understand that S. 1312, introduced earlier today by Senator DEMINT and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1312) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

Mr. BROWN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, MAY 8, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, May 8; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority and the second half under the control of the Republicans; that at the close of morning business, the Senate resume consideration of S. 1082; that on Tuesday, following the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m., in order to accommodate the regular party conference meetings; that all time during any recess, adjournment, and period of morning business count postcloture, and that any time used in morning business by any Member be charged against their hour postcloture; provided further that Members have until 10:30 a.m. Tuesday to file any second-degree amendments, notwithstanding rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BROWN. If there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order, following the remarks of the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I hope we are not moving forward with a plan that would introduce the immigration bill we considered in the Senate last year. That is what I am hearing. I believe there are talks ongoing today—bipartisan talks—talks in which the White House and other members of the President's Cabinet are participating where they are at least talking about a framework of a comprehensive immigration reform of which we could be proud.

The bill that was introduced last year was fatally flawed. It was not the kind of legislation we should have passed. If it had been passed, it would never have worked and would have been an embarrassment to the Senate. I cannot say how strongly I believe that to be true. There was no way we could repair that bill by amendment. I talked about that last year. It was important that we start over with a new piece of legislation. We worked on it, and a majority of the Republicans in the Senate, last year, voted against the bill. The House refused to even consider it. They would not take it up. Four Democrats voted against the bill last year.

So the only way to enact comprehensive immigration legislation is to start over and write a new bill on which both the Democrats and a majority of Republicans can agree. Until this week, I had hopes that was ongoing. I have not been in the detailed negotiations, but I have been briefed on some of the framework for reform that, to me, is very consistent with what I pleaded with my colleagues last year to do.

Now, over the past several weeks, up to 10 Members of the Senate have been actively meeting to write a new bill. They started with the principles laid out by the White House in a 23-page Powerpoint that promptly got leaked. Maybe they wanted it leaked. I don't know. Those Powerpoints just have one or two lines. They do not have fine print. But they do set fourth agenda items and principles.

The principles laid out in that Powerpoint are much closer to a bill I could support and I think the American people would be willing to support.

This is what they included in that presentation. Although I am not involved in the details, I think it is what Members are discussing at this moment—have been discussing, at least. Apparently, people periodically walk away from the discussions, and they say this isn't good enough or I don't like this, but that is negotiation, hopefully, and we can work forward with it. Let me just tell you some of the things that are in this bill that were not in last year's legislation.

There is an enforcement trigger. Before any new immigration programs or green card adjustments could begin, the principles in the Powerpoint would require an ''enforcement trigger'' to be met. Senator ISAKSON from Georgia offered that. He basically said: We are not going to trust you this time—the American people are not. We want to see that you follow through on the things that are critical to a lawful immigration system before we pass the green card adjustments and deal with those other issues.

It also requires that the Border Patrol be increased to the numbers agreed upon—with a total of 18,300. It is one thing to say we are going to authorize 18,000 Border Patrol agents, which I think is a minimum, really not sufficient to cover the border—but it is an increase of significance. We are not going to go forward with the bill until you actually hire them and put them on the payroll and train them and they are out there.

Also, 200 miles of vehicle barriers and 370 miles of fencing must be constructed. We talked about that, and I offered the amendment. It passed several times and eventually was passed last year.

The catch and release at the border must be ended. This idea of catching people at the border who have violated our immigration laws and have come into the country illegally—they are being taken inland, taken before some administrative officer or judge and released on bail and asked to come back. Well, 95 percent are not showing up. That is what they wanted to do: to be brought into America. They were released on bail. Nobody ever went out and found them or looked for them. It is just a broken system. It is not working. Those are things that are part of the trigger as to what has to be fixed before we go forward with the legislation. That would be in the principles.

The future flow of temporary workers is critical. As to the future flow temporary worker program, the so-called Y visas—the principles outline a new program for truly temporary workers. The White House plan would admit new workers for 2 years and could be renewed three times, for a total of 6 years.

Between each 2-year period, workers would be required to return to their home countries for 6 months. Workers could not bring their spouses or their children but could return home to visit them if they choose. They would be able to go back and forth as often as they liked. There is no cap specified in the White House plan, but the plan envisions an annual cap set by the Secretary of Homeland Security in consultation with the Secretaries of Labor and Commerce, depending on American needs.

Workers would be eligible to apply for green cards through regular channels. Regular channels are adjusted to a more merit-based system. It would include a merit-based system. I think this is a great improvement over last year's legislation. But I have to tell you, I am concerned about people coming to stay more than 1 year because I think it becomes more and more difficult for them to leave. They are less likely to leave. Many of them are more likely to violate the law and just embed and stay. I think a 1-year plan would be far better. But those are things that are being talked about which would be substantially better than last year's legislation.

There is a seasonal worker program that makes much more sense than what was in last year's bill. The principles also contain a ''new and improved'' seasonal worker program that would combine the current agricultural—the H–2A plan—and unskilled—H–2B—seasonal worker programs. We combine those two programs, as they should be combined, because they are each for temporary workers.

Workers could remain in this country for 9 months at a time, under this proposal, and would be required to return to their home countries for 3 months in between. This is a temporary worker program that appears to be actually temporary, unlike last year's legislation, in which the temporary guest worker program in last year's immigration bill said an individual could come to this country temporarily, but they could bring their wife and children. They could come for 3 years. That 3 years could be extended again and again and again. And they could apply for citizenship within the first year they got here. That was the temporary worker program last year. How broken was that? It would never have worked. People bring their children, they get settled in the country, a decade goes by. Who is going to be able to ask them to leave? What kind of painful scene would that be? Teachers, preachers, family members, neighbors—they have gotten to know people. They have a whole new mindset, an incorrect mindset.

The bill, last year, said ''temporary guest worker program,'' and this is what it was. It was really a permanent entry into the country for very extended periods of time where it could be difficult for people to leave.

Under this plan, the outline that is being discussed, they could actually work—and it is what I suggested last year—and spouses and children would remain in the worker's home country.

Renewals under the seasonal program would be unlimited, which may be problematic. We would need to discuss that some.

But these workers would also be eligible to apply for green cards under regular channels, if they are willing to compete against others on a merit-

based basis to see whether or not they could come.

Then the principles focus on a more merit-based entry policy into the United States. The principles I hear being discussed would eliminate the Diversity Visa Lottery and some chain migration categories, such as brothers and sisters and adult siblings of U.S. citizens.

Green cards that have been given out for those individuals would be transferred over to a point system which selects legal permanent resident applicants based on merit. So I am concerned that the White House plan also appears to increase the total number of green cards available each year. Page 21 of the Powerpoint indicates that 1.4 million green cards would be available each year. We are at about 1 million now. That would be a 40-percent increase. I want to look at that carefully. But I like the idea of the entry being based on a more meritorious program.

They have a plan to clear the current backlog of green card applications, which also has dangers in that it could substantially increase the number of people who would come. I am not sure comprehensive immigration reform is designed to increase—at least the American people have an idea that it is designed to increase dramatically the number of people who come legally today. I don't think that is what most people have in mind when they think about immigration reform.

What about the population that is here today illegally? This plan that is being discussed would have given legal status to illegal aliens currently in the country through a new ''Z'' visa, which would be renewable indefinitely. Those holding Z visas will be eligible to apply for green cards through regular channels after they go back, ''touchback,'' across the border. But regular channels are adjusted to a more merit-based system. So they would have to compete with people who have other qualities and merits that may make them less likely to be admitted.

If these principles are the ones that form the framework for a newly drafted, bipartisan bill, then I think it is possible that we could successfully enact immigration reform this year.

Now, I cannot tell you that I am going to be able to vote for this plan in the end because I intend to read the fine print. That is what I learned last year. The rubric, the caption in the bill last year was ''temporary guest worker program'' in big print right in the middle of the bill. Then, when you read it, what did you find? We found that the individuals came here for 3 years, with their family, and they could reup, reup for 3 years, time and time again, and, frankly were never going to leave this country.

It was not a temporary guest worker program at all. It was a scheme to confuse the American people about the real meaning of it. In fact, I think it confused Senators. I think they thought it was a temporary worker program, and it absolutely was not. It would never have worked. But the people who wrote it—I think that was their plan. They never wanted it to work to begin with. That is the true fact about it. So the fine print could contain things that will not work.

So I think the framework, the outline, if we are honest and serious, could be the basis for a historic reform of immigration that could actually work, that we could actually be proud of. It is possible. But there are forces, special interests that are driving this process, and they do not respect the views of the American people. They want to ram it through on their terms, and they want to have it say what they want it to say.

This is what the news reports are saying, and I am getting very concerned about it. It is now being reported that instead of being patient and waiting for this new bipartisan bill to be completed and actually written up so people can read it, the majority leader, Senator REID, is forcing the immigration bill to this floor Wednesday, May 9, the day after tomorrow. According to Roll Call, this morning:

> According to an aide to Reid, the Majority leader is expected to bring up the . . . package passed by the Judiciary Committee last year . . . if negotiations produce a deal he will allow lawmakers to propose it as a substitute amendment. . . .

Now, this plan is not a wise approach. Why do we want to bring up a piece of legislation that is fatally flawed, that should never, ever become law? I see no reason. I have one idea, though, or one suspicion I am going to discuss.

It puts undue pressure, an artificial timeline, on those who are trying to work through this extremely complex and important piece of legislation we do not need. We don't have to set that kind of deadline. What we need them to do is to spend the necessary time to produce a strong, thoughtful, bipartisan product that will actually work. That is what we need to do. Then we can vote for it with pride instead of trying to sneak it through this Senate without anybody knowing what is actually in it. As I said last week when I heard about this plan, the Democratic leadership acts as if this is another piece of everyday legislation, but it is not. The immigration bill is one of the most important to come through the Senate in the decade I have been here. I believe that. I think the American people understand that. So this option is not new.

In April, we heard news reports that the Democratic majority would be abandoning efforts to write a new bill and would be starting with the fatally flawed bill produced by the Judiciary Committee last Congress.

''Immigration Daily,'' an online immigration law publication, reported:

> There is good reason to believe that the CIR—that is the Comprehensive Immigration Reform—
>
> Language will finally be introduced on the Senate floor within 2 weeks or less. What will the CIR language look like? CIR begins with S. 2611, the McCain-Kennedy bill which cleared the Senate last year.

The New York Times reported a similar story:

> Senator Edward M. Kennedy has abandoned efforts to produce a new immigration bill and is proposing using legislation produced last March by the Senate Judiciary Committee as the starting point for negotiations this year. Mr. Kennedy dismissed the notion that his efforts to produce a new immigration bill had failed. He said he had decided that the committee report was the best starting point.
>
> We have had extensive hearings on the essential aspects of this bill,
>
> Mr. KENNEDY said.
>
> We are effectively ready to mark up and for going to the floor.

I am very disappointed—beyond disappointed—to hear those news reports. I have been pleased, I guess, today that so far these plans haven't come to fruition, that the majority has begun to engage or has continued to engage Republican Senators and the White House in a real effort to write a good bill. I hope that is what the majority will continue to do.

I hope the majority will abandon last year's fatally flawed bill, not start with it. It cannot be amended and an effective bill created. It means this cannot be the starting point to come to the floor with a new bill this Congress. I implore our leadership to continue trying to write a bill that a majority of Republicans could support, that is possible if we follow through on the real principles people are talking about and saying they can agree to.

It is not a question of the principles we are dealing with. The question is: Will we write the bill in such a way that the principles are carried out? That is the key thing. It was not done last year. In 1986, it was to be the amnesty to end all amnesties. They had 3 million people—I think they thought there were 2 million people—here illegally. They created amnesty for them and they promised we would pass a new law and that this new law would be such that we wouldn't have to do amnesty again. That was in 1986, 20 years ago. We had, it turned out, 3 million people who claimed the amnesty.

What has happened since? Now we have 12 million people here illegally—maybe 20 million—who knows for sure. So why wouldn't we learn from that? Why wouldn't we understand this is not a political football to be kicked down the field? This is important legislation that ought to be passed and written correctly, so 5 years from now, we can go to our constituents and say: We did something good. It is working as we promised you it would work. Why not?

Well, I will tell my colleagues what appears to me to be happening. By bringing up the old bill, last year's bill, which many people in this Senate voted for and probably still believe is good legislation, though it certainly is not, they can start it—they can start it and go forward with this bill that perhaps they never intend to be offered as the final legislation. You burn the time

on the motion to proceed to the bill for the bill to be discussed, and they can go past that and move to proceed to the bill, and then file for cloture on the bill, and then offer a substitute, 700, 800 pages. That is how many pages it was last year—over 600. If they write this one well this year, it should be more than that. They drop a 700, 800-page bill and substitute the old bill, and there is no time to debate it, and they slide it right through, railroad time. I am telling my colleagues, that appears to me to be what it is about. That would be an abrogation of our responsibility.

The American people care about this legislation. The American people are not unengaged. They know something compassionate is going to have to be done about the 12 million people, but I think most people agree with me that someone who came here illegally should not be given every single benefit we give to somebody who comes here legally. We need to set a principle that we are not going to reward illegal behavior in the future. So you work something out on that, and you work something out on these other complex issues, and we set up a policy of immigration for the future that reflects some of the principles Canada has: its point system, its merit-based system. That was never discussed last year. Not one hint of it is in the bill Senator REID is apparently intending to bring up on Wednesday.

How can we possibly talk about comprehensive immigration reform and never consider a merit-based immigration system? Isn't America based on merit? Don't we know far more people want to come here than can be accepted? Don't we know Australia does that, New Zealand does that, the United Kingdom is looking at that—all developed and highly sophisticated nations committed to humanity and civil rights, world leaders in that regard. Are their proposals somehow immoral and unfit? Of course not. Those ideas were not even discussed in last year's bill. So they say we might have something such as that in this legislation. Well, let's see it. Let's see what the words say. What is it going to say? Is it going to be like last year when it said ''temporary guest worker,'' and that was nothing but a sham when you read the fine print under it? Is that what we are going to get this year, a bill they ram through at the last minute, burning the time for debate so we have only the most minimal time to debate? Is that the plan? I hope the American people are keeping their eye on this one. They deserve more. The American people are concerned about immigration. It is an important issue. It is a very important issue to us.

We had a group from Ireland testify at the Judiciary Committee last year and they told us only 2,000 people got into our country from Ireland last year. We had over 1 million come in legally. What is this? How do we create a system that does not give people throughout the world an equal chance, an opportunity to apply to come to America? We need to work on that. We can do it. There is a framework here that, if fleshed out with good legislation, good language, enforceability, we can be proud of.

I am afraid that is not what we are doing. I am afraid there is an attempt here to move a fast one. I am afraid the masters of the universe who run this place, some on both sides of the aisle, don't want the American people to know what is in the bill. They don't trust them to be in on the negotiations. They want to do it and slide it through.

I remember last year we offered—someone offered a good amendment, I think it was the Isakson amendment, on a trigger, and one of the Senators said: Oh, we can't accept that amendment. Why not? We can't accept it because it would upset that delicate balance of negotiations with the parties who put this bill together. So I asked: Who were they? Who are these parties who put the bill together? Where did they meet? Did they have votes? Did people elect them to go in this caucus to write this piece of junk that was the bill last year? Who was that? Oh, they wouldn't talk about who actually wrote the bill. They wanted to ram it through, and nobody could amend it because it would upset their delicate compromise. Well, phooey on that. We need to do this in the light of day. We need to stand up and explain to our constituents and ask them to support a good bill, and we need to stand up and oppose a bill that is a bad bill. We are going to live with it, as we have lived for over 20 years now with 1986, that failed piece of legislation that had so much promise and people were so happy about when it passed, and it never worked.

There are several reasons we need to be cautious. You can put in a piece of legislation an authorization to add a bunch of Border Patrol officers or workplace enforcement rules, or you can put in an authorization to spend money to create a computer system that will actually work, and it can. We can create a system that will work, but authorizing doesn't mean anything. That doesn't mean anything. You have to come up with money, and the money comes up in the years to come. If this Congress isn't serious about what it is doing and we pass a bill that authorizes a bunch of provisions that could actually help and be worthwhile and we never come up with the money to do it, the system is going to collapse as badly as it is right now.

We need a national debate, a national consensus on a good piece of legislation. The President needs to be committed to leading instead of undermining the enforcement of laws. They are getting a little better in the White House now, but Presidents in the past have had no interest whatsoever in seeing immigration laws passed. If they did, they would have come to Congress and said: We need more border enforcement, we need fencing, we need more Border Patrol, we need an end catch and release. They never came to Congress and said the law was not being enforced. American constituents talk to Members of Congress and the Members of the Senate and explain about the plain as day illegality that is going on, and the Congress is trying to make the system be enforced. My colleague, the Presiding Officer, is a former U.S. attorney. The President, the executive branch has the responsibility to enforce the law, not the Congress. What do we know about how to catch all these people. They ought to be asking us for the laws. They should be telling us what is needed. But no, no, because nobody, not any President since 1986, has ever taken his responsibility to enforce the laws of the United States seriously as they apply to immigration. So that is what we have.

I have points I will not go into tonight that detail the incredible flaws that existed in last year's bill.

Senator SPECTER offered a bill that I didn't favor, but it was better—he was chairman of the Judiciary Committee last year—it was better than the other two that arose. After he offered it in Judiciary Committee, we went on in a day or so, or two or three, and we had this deadline. Like Senator REID, Senator FRIST said: I have to have the bill out Monday. If you don't bring it out Monday, I am going to introduce another bill—a pretty good bill, actually, which was an enforcement-oriented bill. Also, the Judiciary Committee got in a flutter, and we ran around, and Senator KENNEDY offered the substitute—Kennedy-McCain. The Specter bill was gone, and an entirely new Kennedy-McCain bill was on the floor. Then the controversial AgJOBS portion of immigration that had been floating around here and had been blocked over the years was offered up as an amendment to Kennedy-McCain, and it was added with no debate. We voted this out and it was on the floor, and the next day we were debating this 600-page bill.

That is not the way to do business in the Senate. My chief counsel here studied this legislation, and we read the fine print, that 600 pages, and when we looked at it, we were shocked at the loopholes it contained. We identified—and I spoke here several hours on it—17 loopholes in that legislation. It began to lose steam. We found out just, for example—mind you, Senator REID, I understand from the New York Times and others, is talking about introducing the Judiciary Committee bill. This is what the Judiciary Committee bill would have done last year, the one that passed out of the Committee, the so-called McCain-Kennedy bill. Under current law, over the next 20 years, this Nation would issue 18.9 million green cards—quite a substantial number. Under the Kennedy-McCain bill passed out of committee last year—hold your hat—it would have been, at a minimum, 78 million over 20 years to

as many as 200 million. That is two-thirds of the current population of the United States of America. They tried to move that bill without amendments. I cannot recall the gymnastics they went through, but they were even denying Senators KYL and CORNYN amendments they wanted to have, and Senator REID wanted no amendments.

Finally, we began to have amendments. Senator BINGAMAN offered two amendments, eventually, as time went by. It was brought back the third time. They brought those numbers down from 78 million and 200 million to 53 million, almost 3 times the current rate of immigration.

So Senator REID, as I understand it, according to a news report, is talking about bringing up the Judiciary Committee bill. This is not the 53 million people being brought in here permanently with a green card—permanent residents—but we would go back to the 78 million to 200 million. How amazing is that?

So I am just flabbergasted by the way this matter is being treated. There is only one way to do it; that is, we stand up like real Senators and we write a bill and work out a bill, and we give the Members of the Senate the time to read it, time for the American people to understand what is in it, and see if it can be amended and made better, and make sure it will actually work, not just be a political show—not some political sham but a piece of legislation that would actually work, and then we would pass it. We would be responsible to our constituents for a ''yes'' or ''no'' vote because we do need to pass comprehensive reform. I said that many times last year. Of course, we need that.

The whole system is broken. Nothing about it works. Of course, we need to reform it from the ground up. But the legislation last year is no place to start. We don't need to be using some gimmick to get the bill up, with last year's language, and then substitute new language that nobody has read and ram it through the Senate. The American people should not be happy with that.

Mr. President, I thank the Chair for his patience and those who listened to my remarks. I believe we can do something better. I support real and genuine reform of immigration in America. I will support legislation that provides a compassionate solution to the people who have been here for years and have been dutiful, law-abiding people except for their illegal presence. We can work through those things.

We need a future flow system, much more like Canada's, much more like New Zealand's. We need a temporary worker program that is really temporary. We need a workplace enforcement system that the average employer will have no problem in following. We need a biometric, identifying cards for immigrant workers so they cannot be illegally forged. That is all possible to do if we want to do it—unless the people who are driving this bill, the architects of this, just want to go through the motions of creating an immigration system that would work, unless that is their plan, to just go through the motions and pass a bill that has no chance of being successful, just like we did in 1986, and 8 or 10 years later, they can say: We are heartbroken; we thought it was going to work.

I think we can do it, and I think we ought to do it. I hope the majority leader will not bring up the last year's bills—any one of them—and that he will bring up the bill that was drafted through this compromise process because I think it at least has some possibility to be a bill we could support, unlike the one last year, and then we can study it and debate it. The American people could be engaged in it, and we ought to stand up and vote and do the right thing for America.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:51 p.m., adjourned until Tuesday, May 8, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 2007:

DEPARTMENT OF COMMERCE

WILLIAM G. SUTTON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE ALBERT A. FRINK, JR.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

JOHN E. PETERS, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

WILLIAM A. BREKKE, OF SOUTH DAKOTA
IRA E. KASOFF, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

JOHN D. BREIDENSTINE, OF PENNSYLVANIA
JANICE A. CORBETT, OF OHIO
AMER M. KAYANI, OF CALIFORNIA
MARGARET A. KESHISHIAN, OF CALIFORNIA
ANDREW P. WYLEGALA, OF WASHINGTON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. HOOPER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. LOREE K. SUTTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES ARMY AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036:

To be major general

BRIG. GEN. DOUGLAS L. CARVER, 0000

EXTENSIONS OF REMARKS

TRIBUTE TO THE NORCROSS HIGH SCHOOL BOYS BASKETBALL TEAM

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Goergia, only a few schools excel III competition on a State level that ignites a community.

Under the leadership and guidance of Coach Eddie Martin, the Norcross High School Boys Basketball team has won a State Championship for the school, the city of Norcross and our beloved Fourth Congressional District.

These Blazing Blue Devils of Norcross have demonstrated the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph from a mental and physical battle.

The 9th day of March, 2007 will go down in history as the Day that our Norcross High School Boys Basketball team became the AAAAA Champions of Georgia.

The team has exhibited great moral character on and off the basketball court and through the halls of Norcross High.

I was pleased to set aside April 21, 2007 to honor and recognize the Norcross High School Basketball Team for its victory for our District.

TRIBUTE TO THE CITY OF LEXINGTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the fine accomplishments of my hometown, Lexington, Missouri, and its commitment to creating a more beautiful and historic community.

Last month, Discover Mid-America's Destinations 2007 named Lexington first among historic towns, and Rural Missouri picked Lexington as its editor's choice for most beautiful town. Discover Mid-America said, "Lexington is one of those special Midwestern towns that people return to time and again. Lexington has more pre-Civil War homes and buildings than any other community regardless of size in the state of Missouri, over 120, and numerous quaint and comfortable Bed & Breakfast inns." In its article, Rural Missouri said, "You will love the antebellum charm of Lexington's historic homes. Don't miss the courthouse with its cannonball reminder of the Civil War."

Madam Speaker, I am proud to call the city of Lexington home and I know the members of the House will join me in congratulating the entire community on its prestigious awards.

TRIBUTE TO HUDSON'S

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. SALI. Madam Speaker, I rise today to honor a distinctly American treasure: a burger done right. I have the privilege of housing in my district a burger joint that has been around for over a century and was recently chronicled in the Wall Street Journal's Raymond Sokolov's quest to find America's best burger.

Hudson's, located in Coeur d'Alene, Idaho, was founded by Harley Hudson in March 1907 and is run by his great grandson Steve Hudson. Hudson's best known burger, the Huddyburger is, as Sokolov reports, "certainly the best $2 burger in creation," the "Platonic ideal of burgerdom."

Madam Speaker, my great state is known for many things: pristine rivers and lakes, gorgeous mountains, an abundance of natural resources, and hardworking citizens, but today I rise to recognize it for one of its lesser known gifts to this country: the Huddyburger.

The Huddyburger and the Hudson family represent what is great about America: ingenuity, hard work, perseverance and dedication. I wish them the best and look forward to continued success by the people of Idaho.

TRIBUTE TO JAMAAL RASHARD ADDISON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service.

Jamaal Rashard Addison was born on October 7, 1980 and began his education in the DeKalb County Educational School system and graduated from Lakeside High School with honors.

Jamaal Rashard Addison enlisted in the United States Army on March 1, 2000 and faithfully served this country until March 23, 2003, when he became Georgia's first fallen soldier in the Iraq war.

This remarkable young man gave of himself, his time, his talent, and his life.

Jamaal Rashard Addison was a soldier, a warrior, a father, a son, a brother and a friend.

I was pleased to set aside April 28, 2007 to honor and recognize Jamaal Rashard Addison for his leadership and service to our country.

TRIBUTE TO GENERAL PETER J. SCHOOMAKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. SKELTON. Madam Speaker, a distinguished career in the United States Army has come to an end. General Peter J. Schoomaker recently retired after 35 years of service.

General Schoomaker graduated from the University of Wyoming in 1969 with a Bachelor of Science degree and later received a Master of Arts degree in Management from Central Michigan University. In addition, Hampden-Sydney College awarded him an Honorary Doctorate of Laws. His military education includes the Marine Corps Amphibious Warfare School, the United States Army Command and General Staff College, the National War College, and the John F. Kennedy School of Government Program for Senior Executives in National and International Security Management.

On August 1, 2003, General Schoomaker became the 35th Chief of Staff, United States Army. Prior to this assignment, he spent 31 years in a variety of command and staff assignments with both conventional and special operations forces. General Schoomaker has taken part in various deployment operations around the world, including Desert One in Iran, Urgent Fury in Grenada, Just Cause in Panama, Desert Shield/Desert Storm in Southwest Asia, Uphold Democracy In Haiti, and supported various worldwide joint contingency operations, including those in the Balkans.

General Schoomaker's distinguished career has been recognized by his peers as he has been awarded: the Defense Distinguished Service Medal, two Army Distinguished Service Medals, four Defense Superior Service Medals, three Legions of Merit, two Bronze Star Medals, two Defense Meritorious Service Medals, three Meritorious Service Medals, the Joint Service Commendation Medal, Joint Service Achievement Medal, Combat Infantryman Badge, Master Parachutist Badge and HALO Wings, the Special Forces Tab, and the Ranger Tab.

Madam Speaker, I know the members of the House will join me in commending General Schoomaker for a career of faithful service to his Nation and wish him well in his retirement.

PAYING TRIBUTE TO ANER IGLESIAS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Aner Iglesias for both his success as a business leader and for his generosity as philanthropist to our community.

Mr. Iglesias came to the United States from Cuba in order to join his family, who had previously left Cuba years before to escape political prosecution.

After his arrival to the United States, Mr. Iglesias graduated from California State Polytechnic University in Pomona, California, where he earned a dual degree in electrical engineering and business administration in 1989. At age of 24, Mr. Iglesias established his first business. Today, Mr. Iglesias operates and owns a chain of supermarkets with yearly revenues exceeding $150 million. He is also a real estate investor with properties in Nevada, Florida, and California.

In addition to his business endeavors, Mr. Iglesias has also been known for his support and leadership role in the opening of the Salvadorian Consulate in Las Vegas, Nevada. He has served as a member of the Board of Directors of the Ronald McDonald House of Los Angeles since 1999. He is currently a member of the America United Bank Board, and he has also contributed and supported the Buena Nueva Foundation and other non-profit organizations, including the Las Vegas Rescue Mission and Safe Nest. Iglesias is an active member of the Latin Chamber of Commerce, the United Grocers Committee, the Mexican-American Grocers Association and the American Grocers Association.

Madam Speaker, I am proud to honor Aner Iglesias. His years of service to the State of Nevada are admirable and I wish him the best in his future endeavors.

HONORING THE LINCOLN MEMORIAL SHRINE ON THEIR 75TH ANNIVERSARY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. LEWIS of California. Madam Speaker, as we approach the bicentennial of Abraham Lincoln's birth, I am pleased today to stand in recognition of the 75th anniversary of the Lincoln Memorial Shrine located in Redlands, California. While leading a divided nation, President Lincoln remained committed to the principles of liberty, integrity, and personal responsibility. It is these ideals that represent the core of what Robert and Alma Watchorn envisioned when they created the Lincoln Shrine in 1932.

It is a great honor that the Watchorns chose to dedicate and present the Shrine to Redlands, my hometown and a prominent city in my district. Through the contributions of my constituents, the Shrine has become a nationally-known education center for our 16th and perhaps greatest president. As the only Lincoln-dedicated museum and library west of Springfield, Illinois, the Shrine attracts thousands of professional and amateur historians with a wide variety of exhibits, events, and projects featuring Abraham Lincoln and the Civil War period.

The Watchorns would be pleased to know that the prominence of the shrine has not detracted from the educational opportunities provided to visitors. As a primary resource for educators in the area, the museum's collection of more than 4,000 manuscripts and 300 original newspapers is offered free of charge and serves as a valuable resource for those seeking a direct glimpse of Lincoln's time. Students are encouraged to attend docent-led school tours and can easily access a wealth of information to use for school projects or personal enjoyment.

Highlighting our community's pride in hosting this important site, a fundraising drive in the 1990s resulted in donations of more than $1 million, which helped provide a 2,000–foot expansion of the Shrine. Two new wings were carefully designed to complement the original octagon shape, paving the way for further Lincoln artifacts. This expansion could not have occurred without the dedication of those residing in my district.

A moving tribute to the Shrine's 75th anniversary is planned for November of 2007, when the Lincoln Shrine releases a book describing and detailing the various artifacts in their collection. An extensive set of photos and letters will be included in the book, with explanatory comments to guide the reader. This book will serve to foster interest in those who have not yet visited the Shrine, and will further elaborate upon the knowledge of individuals already familiar with the Lincoln Shrine's all-embracing collection.

Madam Speaker, I am honored to represent a community of citizens dedicated to progressing the growth of a research center and museum such as the Shrine. I ask my colleagues to join with me in recognizing the immense value of the Lincoln Memorial Shrine and in wishing them many more years of success.

TRIBUTE TO THE ATLANTA VETERANS AFFAIRS MEDICAL CENTER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many professionals in the medical field who render excellent service to our citizens.

The Atlanta Veterans Affairs Medical Center has met and exceeded national standards with its staff of skilled laboratory professionals.

The laboratory staff of the Atlanta Veterans Affairs Medical Center has demonstrated a spirit of giving, service and leadership.

Our beloved Fourth District, families and community have benefited from the fine work of the laboratory staff of the Atlanta Veterans Affairs Medical Center.

The laboratory staff of the Atlanta Veterans Affairs Medical Center has worked tirelessly to give their best to preserve integrity and provide quality service.

I was pleased to set aside April 22nd—28th, 2007 to honor and recognize the Atlanta Veterans Affairs Medical Center for its outstanding service to our District.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. CARSON. Madam Speaker, on Thursday, May 3, I was unable to vote on Roll # 300 because the Capitol Hill police would not let my vehicle enter the grounds due to a security "event" regarding the escort of a foreign dignitary. Had I been available to enter I would have voted "No."

IN TRIBUTE TO DONALD W. HAYNES HONORING THE THIRTY-TWO YEAR SERVICE ON THE HOUSTON FIRE DEPARTMENT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to Donald W. Haynes, of Houston, Texas, on his retirement from the Houston Fire Department after 32 years of dedicated service.

Donald Haynes' roots were planted in the deep, strong foundation of family. Donald was born in Beaumont, Texas to Mr. and Mrs. Elwin and Evelyn Haynes. He is the oldest of their four children. Because Donald's father was in the U.S. Navy, the Haynes family relocated to different military assignments approximately every 3 years. As such, Donald has been privileged to travel to many places across the country and the world. He has lived in Providence, Rhode Island; Morocco, North Africa; Norfolk, Virginia; Alameda, California; Middletown, Rhode Island; and San Juan, Puerto Rico.

Madam Speaker, though he traveled and relocated to many domestic and foreign places in his young life, Donald worked diligently to finish his educational studies. Donald graduated from Antilles High School in San Juan, Puerto Rico in 1970, the same year his father retired from the U.S. Navy. When his family returned to Beaumont, Texas Donald attended Lamar University his freshman year. In the summer of 1971 the Haynes family moved to Houston, Texas. Donald transferred to the University of Houston and graduated from there in December 1974 with a B.S. in Psychology. Mr. Haynes received an M.S. Degree in Criminal Justice Administration from Sam Houston State University in 1988 and an A.S. Degree in Fire Technology in 1992 from Houston Community College. He is also a graduate of the 166th Session of the FBI National Academy held in Quantico, Virginia from June 1991 to September 1991.

Donald's graduation from the University of Houston was merely the beginning step of a long glorious journey of public service. Donald worked for Southwestern Bell Telephone Company for about six months prior to his acceptance into the Houston Fire Academy in June 1975. He graduated in October 1975 and was elected President of the 1975- B Class. His first assignment was Hobby Airport, Station 36 on the A Shift. He later transferred to Station 35 after his probationary period was completed.

In 1977, as one of two firefighters with a college degree at his fire station, Donald was selected to attend Polygraph School. Donald graduated from Polygraph School, completed his internship and became a Texas Licensed Polygraph Examiner in May 1978. He has conducted polygraph examinations for the Houston Arson Bureau, HFD Internal Affairs, HFD Recruiting Division; Homicide Division of the Houston Police Department; Airport Police, Park Police, City Marshall's Office and other law enforcement agencies.

Though Donald had accumulated numerous achievements, he did not rest on his laurels but continued to excel at every level and distinguished himself through a number of praiseworthy promotions. Donald's promotions through the Civil Service ranks of the Houston Fire Department include: Chauffeur in May 1980; Inspector in September 1982; Investigator in 1985; Senior Investigator in November 1995 and Asst. (Chief) Arson Investigator September 2001. Donald was also appointed to the rank of Assistant Fire Chief from 1992 to 1993.

Donald also holds a number of State Certifications. He has been a licensed polygraph examiner for 29 years. In, addition, he is a Master Firefighter; Master Fire and Arson Investigator; Master Peace Officer, TCLEOSE Instructor; Intermediate Fire Instructor; and Field Examiner.

Madam Speaker, Donald has admirably served over 22 years in the Houston Arson Bureau as a State of Texas commissioned Peace officer. He also has contributed to community outreach service. He has been a member of the Omega Psi Phi Fraternity, Inc for over 35 years. He is also a Life Member of the NAACP, and has served on the Board of Directors of Shape Community Center for over 10 years (1992–2003).

Chief Donald W. Haynes has proudly served the Houston Fire Department and the Citizens of Houston, Texas from June 1975 until February 2007, a period for 31 years and 8 months. Though Donald extinguished many fires in his career, it was an inner blazing and burning flame that sparked his desire to perform at the highest level.

In closing, Madam Speaker, let me say that I, on behalf of all Houstonians, am grateful for the outstanding dedication and public service Donald has given to the Houston Community for nearly 32 years. We can never repay you for the priceless service you have bestowed on our community. We congratulate you and hope that your well-earned retirement brings joy to your life.

PAYING TRIBUTE TO HERNANDO AMAYA MORENO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Hernando Amaya Moreno who has been named the Small Business Journalist of the Year for the State of Nevada by the Small Business Administration.

His commitment to proving news and information to his fellow Nevadans has resulted in the SBA presenting him with this distinguished honor. Hernando is the Associate Editor for El Tiempo Libre, a Spanish language newspaper which is owned by the Las Vegas Review Journal. His role at El Tiempo allows Hernando to provide Hispanics in the Las Vegas area with both the local and national news. El Tiempo provides residents with another reliable news option in Southern Nevada.

Hernando came to the United States in the 1990s from Columbia. During his time in Columbia, Hernando worked as a broadcast journalist for the Colombian National Army. In this capacity, Hernando worked to dismiss propaganda disseminated by Colombian guerilla groups, however, he was forced to leave the country when his family's life was threatened by these groups. After his arrival in the United States, Hernando's dedication and perseverance ensured his success with both the journalism and business communities in Nevada.

As a result of his own experiences and achievements with the business community, Hernando has been able to share his knowledge and expertise with individuals in the Hispanic community that are aspiring to becoming small business owners. He believes in supporting these individuals with the information and knowledge that will allow them to be successful small business owners. In conjunction with the Latin Chamber of Commerce, Hernando holds communication workshops for those who wish to establish and begin their own small business endeavors.

Madam Speaker, I am proud to honor Hernando Amaya Moreno. His dedication to the community is commendable and I wish him continued success.

TRIBUTE TO DR. YVONNE SANDERS-BUTLER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service.

Dr. Yvonne Sanders-Butler has given of herself as a principal of Browns Mill Elementary School, an author, a nutritional advocate and a children's advocate.

Dr. Yvonne Sanders-Butler has pioneered and sustained Georgia's First sugar free school which serves as a model to the country as a tool in promoting the physical and mental welfare of our children.

This phenomenal woman has shared her time and talents for the betterment of our community and our Nation through her tireless works, motivational speeches, and words of wisdom.

Dr. Sanders-Butler is a virtuous woman, a courageous woman and a fearless leader who has shared with the world her vision and passion to help ensure that our future—our children—will be healthy and prosperous.

I was pleased to set aside April 21, 2007 to honor and recognize Dr. Yvonne Sanders-Butler for her leadership and services to our District.

IMPROVING HEAD START ACT OF 2007

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

The House in Committee of the Whole House on the State of the Union 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:

Mr. REYES. Mr. Chairman, I rise in strong support of H.R. 1492, the Improving Head Start Act of 2007, a bill introduced by my colleague Mr. DALE KILDEE that provides a long-overdue re-authorization of Head Start and includes a package of improvements that will make a good program better.

My own experience as a child demonstrates the importance of school preparedness programs like Head Start. When I started school at six years old, I only spoke Spanish. The teacher only spoke English, so the other Spanish-speaking children and I were bumped down to a new "pre-kinder" class so, as the thinking went, we would not hold the others back. Throughout my years in school, my peers assumed that I had failed a grade because I was older than everyone else. But I was not less academically capable than my fellow students. I had just not been given adequate preparation.

Head Start offers a bilingual curriculum that helps develop children linguistically, socially, and emotionally for kindergarten. Its holistic approach makes it so much more than just a program to improve reading and writing skills. It also provides nutritious meals, medical and dental visits, and a stable environment to low-income children that will allow them to succeed in school.

Head Start is a proven program. Students who participate in this program are more likely to finish high school and eventually attend college. In El Paso, over 4000 children and their families are served by this program. Roughly seventy-five percent of all students in this program come from households making less than $15,000 per year, well below the national poverty level.

Mr. Chairman, I ask that my colleagues join me in supporting this important legislation that will help disadvantaged children across the Nation by providing them with the tools they will need to succeed not only in their education, but in all aspects of their lives.

IMPROVING HEAD START ACT OF 2007

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1429) to reauthorize the Head Start Act, to expand access, and for other purposes:

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 1429, a bill to reauthorize and improve Head Start.

Head Start has been a vital program to our children since the day it was created in 1965 as part of the Great Society. President Lyndon Johnson created the program with the goal of combining education, health, and nutrition programs for low-income children. In its history, over 22 million children have been served by Head Start, including over 900,000 in this year alone.

Head Start provides an excellent foundation for the children who enroll in the program. About 95 percent of the students in Head Start are under five years old, and they are all at or below the poverty line. Without Head Start, a great number of these children would be in substandard preschools, if they were even lucky enough to be enrolled in anything. Head Start gives these kids the years of education they need in order to succeed in future years of schooling.

H.R. 1429 would reauthorize the Head Start program, while at the same time offering improvements that have been necessary but neglected for a number of years.

First, it will improve teacher and classroom quality. H.R. 1429 does this by first increasing teacher salaries in order to attract more and better teachers. Other provisions would require Head Start to use research-based methods to improve literacy and vocabulary. The bill would also provide improved training and technical assistance so teachers will be more educated in science and technology.

The only problem I have today is the Republican discriminatory Motion to Recommit. The Republican leadership wants to institute federally funded discrimination into our Head Start program. They have tried this again and again, and although I support Head Start as much as anybody in this Chamber, I would vehemently oppose this reauthorization if the Motion to Recommit passes. I urge all of my colleagues to oppose the discriminatory Motion to Recommit when it comes to the floor.

Mr. Chairman, I strongly support reauthorizing the Head Start program with the Democratic improvements.

TRIBUTE TO THE ROCKDALE COUNTY BOARD OF EDUCATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, many schools strive to excel.

Under the leadership and guidance of the Rockdale Board of Education, and the Superintendent Dr. Samuel King,—the principals, teachers, staff and students in Georgia's Rockdale County school system have met and exceeded national standards.

The Rockdale County Board of Education members have demonstrated the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph from building a system that serves all in the county.

Our beloved children and community will benefit from the seeds that the Board of Education and Administration have planted to insure that Rockdale will always be prosperous and productive.

This unique board has given of themselves tirelessly and unconditionally to providing the best that they have to preserve integrity, scholarship, leadership, and service for all of Rockdale County.

I was pleased to set aside April 21, 2007 to honor and recognize the Rockdale County Board of Education for their outstanding service to our District.

TRIBUTE TO ZINGERMAN'S DELICATESSEN ON ITS 25TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to Zingerman's Delicatessen, in Ann Arbor Michigan. This year Zingerman's is celebrating its 25th anniversary.

Zingerman's was founded in 1982 in Ann Arbor, Michigan by Paul Saginaw and Ari Weinzweig. It is now known internationally and renowned as one of America's best delicatessens. Along with the University of Michigan, Zingerman's is also one of Ann Arbor's best known and popular tourist attractions.

From its original store in 1982, Zingerman's has grown and now operates 8 separate gourmet food businesses throughout Michigan, employing 545 individuals and serving as an example to other businesses by providing its employees with excellent compensation, benefits and vacation time.

Along with their commitment to an equitable work environment, co-founders Paul and Ari also have a lasting commitment to providing their customers with cuisine of the utmost quality. This quality has been recognized frequently, as Zingerman's has been the recipient of numerous culinary awards, including, most recently, the Food Network's 2007 "Delectable Delivery of the Year" award. The New York Times also covered Zingerman's anniversary with an article in its May 2, 2007 edition.

Zingerman's is an Ann Arbor original and it is commonly acknowledged that there are few, if any, better places in the world at which to get a nosh. With all that it has done in the last 25 years, I ask that you join me in recognizing the anniversary of Zingerman's Delicatessen; the honors and accomplishments of co-founders Paul Saginaw and Ari Weinzweig; and their contributions to the City of Ann Arbor, the State of Michigan, and the United States of America.

PAYING TRIBUTE TO JOHN SNYDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor John Snyder for his recent induction into the National Teacher's Hall of Fame.

Mr. Snyder is the first teacher from Nevada ever to be inducted into the National Teacher Hall of Fame and is one of five educators to be inducted in the Class of 2007. His teaching career began in the early 1980's as an English teacher at Hyde Park Junior High School. At the time, computers were just beginning to proliferate into academic establishments and Mr. Snyder became impassioned to start a computer club at Hyde Park. Shortly thereafter, Mr. Snyder became a full-time computer programming teacher, a position he has held for nearly 25 years. Mr. Snyder has taught computer courses at Charparral and Cimarron Memorial High School. In 1994, he moved to the Advanced Technologies Academy and for over a decade, Mr. Snyder has been greatly enriching the lives of those students attending A-Tech, a nontraditional high school that allows students the opportunity to focus on technical careers.

Madam Speaker, I am proud to honor John Snyder. His enthusiasm, commitment and personal attention have greatly enhanced the educational experience of countless students. I congratulate him for this well deserved honor, thank him for his dedication and commitment and wish him the best in his future endeavors.

OBSERVING THE 200TH ANNIVERSARY OF THE ABOLITION OF THE BRITISH SLAVE TRADE

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. CUMMINGS. Madam Speaker, I rise today in celebration of this resolution that commends the 200th anniversary of the abolition of the transatlantic slave trade, which marks the beginning of the end of the deportation of slavery. This tremendous moment in time carries with it historical significance in African American history and culture.

As many of my colleagues know, many of our ancestors were brought here in the grips of iron chains on slave ships. They were subjected to tremendous inhumane treatment. Many died and the ones that did survive were left to try and survive in a new and unforgiving world. Over the course of 4 centuries 11 to 12 million African men, women, and children were brought to the United States, the Caribbean, and Latin America against their will. The transatlantic slave trade enabled the kidnapping, purchase, and commercial export of Africans, mostly from West and Central Africa between the 15th and late 19th century.

Despite this ignoble beginning, the people of Africa created a noble culture that encompasses the African spirit of survival through adversity. Nevertheless, with all the horrors and inhumanity, the transatlantic slave trade was critical to the formation of the new world. We can now celebrate the trials, tribulations, accomplishments, and contributions of our ancestors. They certainly created and attained so much in history.

Madam Speaker, I would like to share with you the words of Frederick Douglass, one of the most famous African American abolitionists, slave, editor, orator, author, statesman and reformer. He stated:

> Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blow, or

with both. The limits of tyrants are prescribed by the endurance of those whom they oppress.

The struggle to end the transatlantic slave trade and slavery was achieved by African resistance and economic factors as well as through humanitarian campaigns. Africans fought tirelessly to overcome the brutal treatment that they endured. The years that our ancestors fought for freedom were among the most difficult times that Africans faced.

It is because of the sacrifices that our ancestors made that African Americans are free today, and able to be part of this wonderful body. We must not forget what our ancestors have done for us. We must teach our children and the generations not yet born of the sacrifices that were made in the name of our freedom. We must continue to celebrate the anniversaries such as this so our history may never go forgotten.

The 200th anniversary of the abolition of the transatlantic slave trade marks a tremendous accomplishment in African American history. It is with great honor that I am able to speak on such a significant part of my history.

TRIBUTE TO TELACU FOR ITS COMMITMENT TO THE ADVANCEMENT AND EMPOWERMENT OF LATINOS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BACA. Madam Speaker, I ask for unanimous consent to revise and extend my remarks.

The people of this great Nation share a common spirit and heritage. Whether born on the soil of this land or having chosen to come here in search of a better life—one free of political, social, and economic oppression, we are a Nation of pioneers. We believe in the American dream, and the promise that through our labors we can achieve educational and economic success. No barrier is too imposing, no obstacle to tall that it should stand in the way of pursuing this dream.

Two of my congressional predecessors, Senators Robert F. Kennedy and Jacob Javits, advanced legislation in the 1960s that promoted this dream by laying the foundation for an organization called TELACU. Since its founding in 1968, TELACU has become the largest community and economic development corporation in the United States. TELACU is a pioneered institution committed to service, empowerment, advancement and the creation of self-sufficiency within the Latino community.

Brought to life through a small investment appropriated by Congress, TELACU has grown to become an organization with nearly $500 million in assets, creating thousands of jobs, affordable homes, loans to small business people, and most importantly, numerous educational opportunities for our Latino youth and veterans.

TELACU established the LINC TELACU Education Foundation, LTEF. For more than 2 decades, the Education Foundation has been working towards removing the formidable barriers that prevent Latino youth from achieving academic success. Latino youth not only struggle against the effects of low-income households, inadequate support and counseling, but a lack of professional and academic role models, all of which contribute to why only 39 percent of Latino high school graduates in Los Angeles County go on to higher education.

TELACU Education Foundation realized that there is no more vital asset in any community than its human capital, which is why they began their efforts to reverse these trends. For more than 2 decades, the LINC TELACU Education Foundation has contributed to the development of our future Latino leaders through a variety of programs designed to maximize the potential of our youth.

The LINC TELACU Scholarship Program, established in 1983, is one program that helps students realize their dream of a college education by providing scholarships, supplemented by other essential support.

In conceiving the foundation, TELACU discovered that while financial assistance is vital for college students to achieve academic success, other factors are also important. Students who are the first in their families ever to attend college often lack the support system necessary to achieve their dream. Socioeconomic factors, family responsibilities, cultural identity and financial stress create very real conflicting challenges to academic life.

The LINC TELACU Scholarship Program provides its youth not only with monetary assistance, but also counseling, leadership training, classes in time management and other subjects that will help them succeed in college.

TELACU has partnered with corporate donors, private individuals, and a vast network of colleges and universities, providing the driving force behind one of the most effective national institutions ever to impact the educational needs of the Latino community.

The LINC TELACU Education Foundation has accepted this challenge head on, combining important financial assistance with highly effective programs that ensure college completion. The foundation supports 600 college students and serves 2,000 elementary, middle and high school students and veterans each year. The success of this extraordinary foundation is best summarized by the numbers: Its scholar retention and college graduation rates are an astounding 100 percent.

Madam Speaker, I join today with community leaders throughout my State to express our Nation's gratitude to TELACU, the LINC TELACU Education Foundation and for scholarship programs like this one, for believing in the dream of higher education for all of America's next generation of leaders.

HONORING THE LOUISIANA HONOR AIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On May 11, 2007 a group of 96 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home state of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit I will accompany them to visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

RECOGNIZING DADE CITY, FLORIDA, FOR THEIR MAIN STREET RENOVATION PROGRAM

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the outstanding steps taken by Dade City leaders to renovate and improve their Main Street area. These efforts to revitalize Main Street have made Dade City one of the brightest spots on the Gulf Coast of Florida. On May 18, 2007, Dade City is celebrating its 20th anniversary as part of Florida's Main Street program.

Noticing a decline in the beauty and economic vitality of Dade City's downtown in the 1980s, local leaders began to look into joining the Main Street program. Pat Weaver, Otto Weitzenkorn, Helen Brandt and the late Lewis Abraham banded together to find the resources to send representatives to the annual Main Street meeting in Orlando.

The Orlando meeting taught these concerned residents how to implement the ''Main Street Four-Point Approach,'' a comprehensive strategy tailored to meet local needs and opportunities. The approach encompasses work in four distinct areas: design, economic restructuring, promotion, and organization. Ms. Weaver and Ms. Brandt returned from the meeting with a plan to develop a strong base of local business owners and citizens to see this concept through to becoming reality in Dade City. In 1985, they received a technical assistance program by the Department of State, Bureau of Historic Preservation through the Florida Main Street program. In April 1987, downtown Dade City was officially designated a Florida Main Street community.

On May 18, the Downtown Dade City Main Street program is celebrating its 20th anniversary with a party at one of its highly touted area restaurants. In reflecting on its history, the Downtown Dade City Main Street program has distinguished itself as one of the exemplary models of the Florida Main Street program. In addition, it has been successful in downtown restoration projects such as the Historic Courthouse, the establishment of the Community Redevelopment Agency to fund long-range downtown projects, the facade improvement grant, and for the millions of dollars it has helped bring to downtown construction and restoration projects.

Madam Speaker, I applaud all the men and women who have contributed to the success of the Dade City Main Street program over the past twenty years. These individuals exemplify how working tirelessly on downtown renovation and revitalization can reverse the decline of a community. This program continues to remain a vital part of downtown Dade City, and

I commend those involved for their efforts to keep Dade City vibrant and unique with its quaint shops and small town atmosphere.

RECOGNIZING BETTE PETERSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. RADANOVICH. Madam Speaker, I rise to recognize Bette Peterson of Fresno, CA for her tireless service to her community and selfless giving to philanthropic causes throughout California's San Joaquin Valley. In recognition of her devoted service, the City of Fresno proclaimed May 1st, 2007 as ''Bette Peterson Day.''

Bette Peterson was born on October 30th, 1922 to Jean and Freda Johnson. Throughout her life, Ms. Peterson embarked on many adventures but not until 1975 did an adventurous life being to flourish rapidly beginning with her marriage to Dr. Robert Billings, and shortly thereafter, the creation of the Poppy Lane Publishing Company.

After establishing her publishing company, she authored Beginning Reading at Home, a book designed to help young children develop and explore reading. In addition, Poppy Lane Publishing Company has published numerous books by local authors since 1976, opening up eyes to the wealth of literary talent in the San Joaquin Valley.

Founded in 1988 by Bette and her husband Dr. Robert Billings, the Billings Independent and Responsible Foundation continues to assist many charitable causes. Most recently, Habitat for Humanity was presented with a one-hundred thousand dollar contribution to help many achieve the dream of homeownership.

Madam Speaker, it is with great pleasure that I rise to honor Bette Peterson for her tireless service to her community. I invite my colleagues to join me in recognizing her tremendous example.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. TIAHRT. Mr. Speaker, today I was proud to stand up for the equal protection of all Americans by opposing H.R. 1592, the so called ''Hate Crimes Bill.'' I abhor bigotry and discrimination, and I look forward to an America where no one is physically harmed for any reason. However, creating a special protected class within this country is poor public policy and contrary to the founding principle that all Americans are equal in front of the law.

First, this bill is unnecessary. State and local laws already provide criminal penalties for the violence addressed by the new Federal crimes defined in H.R. 1592. Many of the current state and local laws carry stricter penalties than the proposed language in H.R. 1592. State and local law enforcement agencies and courts already have the capability to enforce those penalties and are doing so effectively. The proof is that the most recent FBI Uniform Crime Report shows that bias-motivated crimes are decreasing. In fact, less than 17% of all law enforcement agencies reported a single hate crime in 2005. No evidence exists that states and localities are failing to prosecute hate crimes under existing statutes. There is simply no need for the Federal government to impinge on the manner in which state and local agencies are attacking these concerns.

Second, there are Constitution questions concerning this bill. The 14th Amendment affords equal protection under the law to all citizens. H.R. 1592 defies this principle by ranking victims according to nebulous categories like ''sexual orientation'' and ''gender identity'' that are based on behavior and are not easily definable. All violent crimes are unacceptable, regardless of the victim, and should be punished firmly.

It is ironic that this bill came to the floor on the National Day of Prayer. I am worried that this bill will unfairly target people of faith. Under this bill, Christians and clergy may be targets for prosecution if their traditional teachings on sexuality are considered an inducement to violence of people based on ''sexual orientation'' or ''gender identity'' whether real or perceived. Typically, members would have the opportunity to offer amendments to fix omissions such as this. Unfortunately, the Democrat leadership railroaded this bill through the floor with absolutely no opportunity to offer amendments, denying us the opportunity to protect traditional American values.

Instead of passing laws which violate longstanding principles of good government, we must instead continue in our efforts to make sure that criminals understand their behavior will not be tolerated. Individuals caught committing a crime must understand that conviction will be certain, sentencing will be swift and punishment will be severe. Creating classes of victims, as this bill surely does, based on broad indefinable categories makes certain citizens more equal than others, substitutes a federal mandate for local expertise, and fails to protect traditional American values.

PAYING TRIBUTE TO PATRICIA RILEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Patricia Riley, a longtime Las Vegas educator and school administrator.

Patricia was a longtime elementary school teacher with the Clark County School District before joining the staff of Hillcrest Academy in 1999. She earned a Bachelor's degree in human development and early childhood education from the University of Nebraska in 1970 and subsequently earned a Master's degree in education curriculum and instruction from UNLV in 1980.

For over two decades Patricia has been designing curriculum for public and private schools for adults and children. Her career as an educator began as a fifth grade teacher in Grand Island, Nebraska. She later went on to teach math and reading to Army soldiers at Fort Jackson in Columbia, South Carolina from 1974–1976. Patricia subsequently moved to Las Vegas in 1978 and operated two preschool through kindergarten private schools from 1979 to 1984 both in the Spring Valley and Green Valley areas. Patricia left education, pursued a career in real estate and later came back to teach first and second grade at the Mack Elementary School in Henderson, Nevada, where she stayed until moving over to the Hillcrest Academy. After founding Hillcrest Academy and operating the school for over 7 years, Patricia sold the Academy and stayed on as a consultant.

Madam Speaker, I am proud to honor my friend, Patricia Riley. Patricia is a truly gifted educator and has enriched countless lives. I thank her for her dedication and commitment to educational excellence and wish her the best in her future endeavors.

PAYING TRIBUTE TO PROFESSOR KENNETH LINDSAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday May 7, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor Kenneth Lindsay, a most remarkable and distinguished constituent of mine. Mr. Lindsay is one of about a dozen living members of the Monument Men, who worked to save tens of thousands of works of art during World War II. Mr. Lindsay is also a Binghamton University Professor Emeritus of Art History where he chaired the Art History Department for 17 years.

Mr. Lindsay's love of art and art history first developed while he was a student at the University of Wisconsin at Madison. He signed up with the Army's Signal Corps and was preparing to go overseas in 1942. Catching scarlet fever delayed his deployment, but it resulted in his eventual assignment to the Monument Men after Victory in Europe Day in 1945. Mr. Lindsay first served as a technical corporal in London and was later sent to Omaha Beach.

Following V–E Day, the Monuments, Fine Arts, and Archives Section of the U.S. Army, whose members were nicknamed the Monument Men, worked to save and preserve works of art that had been seized during the Nazi rule of Germany. Mr. Lindsay was assigned to the Monument Men in Wiesbaden, Germany in 1945. He personally handled some of Europe's most valuable works of art. A noted piece that passed through Mr. Lindsay's hands is the Holy Crown of Hungary, one of the most famous crowns of the Middle Ages. One of the most memorable pieces that he processed was a statue of the Egyptian Queen Nefertiti, which was stolen by the Germans in 1912.

Wars present perilous challenges for art, and the art world is indeed fortunate that Mr. Lindsay was available to help put the pieces back together in post-war Germany. Without the dedicated work from men such as Mr. Lindsay, a large amount of the world's culture would have been lost. Mr. Lindsay's work in World War II and as a teacher of art history has given future generations the opportunity to enjoy history and the rich cultures across the world.

Madam Speaker, it is my honor to salute Professor Emeritus Kenneth Lindsay for his dedication in the Army and as a teacher. He has left his unique mark on his students, peers, and the art community.

TRIBUTE TO OFFICER JEFFREY SHELTON

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mrs. MYRICK. Madam Speaker, I rise today to honor the life of Jeffrey Shelton, an officer of the Charlotte-Mecklenburg Police Department in North Carolina. Officer Shelton was fatally shot on March 31, 2007 while responding to a call with a fellow officer, Sean Clark.

Officer Shelton was on the force for more than six years before he was killed in the line of duty. The citizens of Charlotte will remember Jeff Shelton as a brave man, who gave his life in service to the city. He will be sorely missed by his fellow officers in the North Tryon Division.

To show their appreciation for Officer Shelton, thousands of Charlotteans gathered to watch his funeral procession in person on April 6, 2007. Citizens have since created a permanent memorial at the very spot where the two officers were killed. This site, near an apartment building in East Charlotte, has been dedicated to the memory of Jeffrey Shelton and Sean Clark.

Our thoughts and prayers are with Jeff's wife, Jennifer, and his family and friends at this difficult time. May the legacy of service and dedication that he leaves behind be a comfort to all those who loved him.

HONORING OCCAM'S ENGINEERS ROBOTICS TEAM

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Occam's Engineers Robotics Team from West Morris Mendham High School in New Jersey, a team that I am proud to represent! They are celebrating their recent attainment of first place in the FIRST Vex Challenge World Championship.

Occam's team was founded by Joshua Kaplan and Michael Medford, who also serve as co-captains. The other members include Adam Brozynski, Joshua Franklin, Julianna Brown, Thomas Cioppettini and Chase Tralka. The team was established at the beginning of the school year and began preparing for the competition in January. After placing last in the FIRST Vex New Jersey Tournament, they completely redesigned their robot, basing their new design on simplicity.

For the FIRST Vex Challenge World Championship in April, the team had to build a robot no larger than 18 inches that was pre-programmed and controlled by remotes to pick up softballs and deposit them into differing receptacles from a set list of parts and guidelines. The team spent endless hours building and practicing leading up to the competition.

They competed against over 10,000 students from over 23 countries. The judged award is based on the team that performs well in all categories, gaining votes from opposing teams based on performance as well as cooperation with others. Occam won not only the FIRST Vex Challenge Winning Alliance Award but also the FIRST Vex Challenge Inspire Award!

Madam Speaker, I urge you and my colleagues to join me in congratulating the Occam Engineers Robotics Team and all its members on all of their past, present and future achievements!

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of H.R. 1592, The Hate Crimes Prevention Act.

This important legislation is about protecting the fundamental rights of the most vulnerable in our society.

The fact is, hate toward people in our country who are deemed different remains copious and persistent.

What is not fact, however, is the campaign of mistruths right-wing extremists with a megaphone have instigated against this bill. They claim, for instance, that passage of this bill will be used to persecute anti-gay churches. To which I say, I don't know of any pastor or minister who would advocate tying a man to a split-rail fence, beating him brutally, and leaving him to die in the cold of the night for no reason other than he was gay.

This legislation addresses long overdue deficiencies in current federal hate crimes law. It extends protections to even more groups of targeted minorities. And it ensures that when states are unwilling or unable to prosecute hate crimes, justice will be served.

Violent acts committed against a member of a targeted minority do not merely beleaguer the individual. They deprave an entire group and society as a whole by promoting a culture of fear among our diverse communities and perpetuating stereotypes and hate. I have hopes that someday such legislation will no longer be necessary. But the reality is that in this day and age it still is. It is evident in the resurgence of organized white supremacist movements such as the KKK over the past year.

Without the passage of this critical legislation, an alarming amount of hate crime perpetrators around the country will continue to escape punishment under federal law. Such as the assailants who shot frequenters of a gay bar in New Bedford, Massachusetts earlier this year. And the four white male assailants who left Bill Ray, a mentally challenged African American, severely and errantly brain damaged. And the assailants of Michael Sandy, a gay man who was beaten, chased into traffic, hit by a car, and then dragged off the road and attacked a second time.

Until the day comes when there is no need for such legislation, we will continue to have a moral obligation to ensure these victims of hate crimes have access to just recourse.

TRIBUTE TO OFFICER SEAN CLARK

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mrs. MYRICK. Madam Speaker, I rise today to honor the life of Sean Clark, an officer of the Charlotte-Mecklenburg Police Department in North Carolina. Officer Clark was fatally shot on March 31, 2007 while responding to a call with a fellow officer, Jeffrey Shelton.

Officer Clark was on the force for just over a year before he was killed in the line of duty. He leaves behind his wife Sherry, his son Brayden, and a baby who is expected to arrive shortly. The citizens of Charlotte will remember Sean Clark as a brave man, who gave his life in service to the city. He will be sorely missed by his fellow officers in the North Tryon Division.

To show their appreciation for Officer Clark, thousands of Charlotteans gathered to watch his funeral procession in person on April 5, 2007. Citizens have since created a permanent memorial at the very spot where the two officers were killed. This site, near an apartment building in East Charlotte, has been dedicated to the memory of Sean Clark and Jeffrey Shelton.

Our thoughts and prayers are with Sean's family and friends at this difficult time. May the legacy of service and dedication that he leaves behind be a comfort to all those who loved him.

PAYING TRIBUTE TO JOSE MARTEL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Jose Martel, an exceptional maitre d' at the newly opened Michael's Restaurant at South Point Hotel.

Prior to assuming his position with Michael's Restaurant, Mr. Martel served as maitre d' at the Barbary Coast Hotel for 23 years. There, Mr. Martel developed a reputation for a commitment to customer service. As a maitre d', Mr. Martel is known for meeting all of his patrons' needs and has proved himself to be an exemplary model of friendliness, attentiveness, and professionalism.

During his many years of service, Mr. Martel has cultivated a working environment that has distinguished him from others in the field. Mr. Martel's evident dedication to restaurant patrons is unparalleled and his outstanding service was recently honored by a dedication in Casino Connection Magazine.

Madam Speaker, I am proud to honor Jose Martel. His dedication to and respect for his work are commendable and I wish him every continued success.

HONORING HIGH SCHOOL ARTISTS, FROM 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. FRELINGHUYSEN. Madam Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers to raise young men and women. I rise today to congratulate and honor 37 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students is participating in the 2007 Congressional Arts competition, ''An Artistic Discovery.'' Their works of art are exceptional!

We have 37 students participating. That is a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First place was awarded to Leigh Cignavitch from Mount Olive High School for her work entitled ''Core and Rind.'' Second place was awarded to Lauren Novotny from Montville High School for her work entitled ''Lauren in Fauuist Forest.'' Third place was awarded to Jeff Koroski from Roxbury High School for his work entitled ''The Time, The Tremulant, The Torrent.''

I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official Record.

Home schooled: Phyllis Schlafly's ''Roses in the Mirror.''

Boonton High School: Loryn Britton's ''Untitled;'' Sarah LaPlaca's ''Portrait of Brendon'' (honorable mention), Jennifer Hitching's ''Self in still-life'' (honorable mention), Caitlyn Harvey's ''Self Portrait'' (honorable mention).

Bridgewater-Raritan High School: Allison Boucher's ''Lady of the Flies'' (honorable mention).

Dover High School: Matthew Burbridge's ''Hurd Park.''

Livingston High School: Ellina Ryzhik's ''My Bike;'' Arielle Rothbard's ''Untitled;'' Linda Innemee's ''The Dragon Flies.''

Madison High School: Samantha Sweet's ''My fundamentals;'' Kayleigh Martin's ''Warmth;'' Marissa Rich's ''AVERY'' (honorable mention), Sharela Banfield's ''Hands, Feet, & Polish'' (honorable mention).

Millburn High School: Jessica Pester's ''Easy Chair;'' Jacqueline San Fillipo's ''Blue Chair;'' Ann Trocchia's ''Cala Lily.''

Montville High School: Jennifer Eishingdrelo's ''Monday Morning;'' Stefani Colonnelli's ''Untitled;'' John Lake, Jr.'s ''Self Deception.''

Morris Knolls High School: Maxine Kramer's ''MONEY;'' Davendra Sukha's ''Assorted Nuts;'' Charles Doomany's ''An Uncertain Future;'' Stephanie Grawehr's ''reading by candlelight.''

Mount Olive High School: Rebecca Weiss's ''A Memoir to Gettysburg.''

Pequannock High School: Joel Lumpkin's ''Headless Self Portrait;'' Lauren Porochniak's ''Spring Leaves.''

Ridge High School: Lindsay Abken's ''An Icon;'' Rebecca Goldberg's ''L'Orange Blue;'' Angela Singer's ''Garden Still life;'' Christina Roros' ''Knobby Knees & Dollish Dimples.''

Roxbury High School: Lauren Poggi's ''SUBURBIA;'' Julia Biczak's ''Self Portrait;'' Chelsea Austin's ''JUDE ARCHER.''

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Every time a vote is called, I walk through that corridor and am reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

TAIWAN APPLIES TO THE WORLD HEALTH ORGANIZATION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BUTTERFIELD. Madam Speaker, as the World Health Assembly prepares to meet in Geneva this May, Taiwan is applying to the World Health Organization as a member under the name ''Taiwan.''

For years, Taiwan has been excluded from the activities of the World Health Organization; thus the health rights of the 23 million Taiwan people have not been represented. Taiwan paid high prices for the enterovirus outbreak in 1998 and SARS in 2003; Taiwan should not be left out of the global disease prevention network.

The United States government has always encouraged Taiwan to seek meaningful participation in international organizations and if Taiwan were barred from World Health Organization activities, opportunities for Taiwan's government and people to make contributions to world health affairs would be severely impeded.

I therefore urge my colleagues to speak up for Taiwan's right to participate in the activities of the World Health Organization. Fighting disease is a worldwide issue; no country or people should be excluded from WHO's activities due to political considerations.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. ABERCROMBIE. Madam Speaker, I rise today in honor of Asian Pacific American (APA) Heritage Month. As you know May is designated as APA Heritage Month, and this year's theme is ''Meeting the Challenges for Asian Pacific Americans.'' One of the central challenges is the need for comprehensive immigration reform.

I serve as the Immigration Task Force Chairman of the Congressional Asian Pacific American Caucus (CAPAC). The caucus includes members who are of Asian Pacific descent and those who represent Congressional Districts with significant APA populations, like the First District of Hawaii.

The Immigration Task Force is CAPAC's main voice on this important and timely issue. Right now, APAs face an immigration backlog that has forced many families to live for years apart from their loved ones. For example, Filipinos must wait 23 years before United States Citizenship and Immigration Services (USCIS) even examines their applications for a brother or sister from the Philippines. Furthermore, 1.5 million Asians live in the U.S. as undocumented immigrants. They live in the shadows without access to basic services, and are vulnerable to exploitation.

As Task Force Chairman, I have made it a priority for CAPAC to support Comprehensive Immigration Reform. True immigration reform not only helps us secure our borders, but addresses the issues of family reunification and earned legalization for undocumented immigrants. With that concern, I cosponsored H.R. 1645, the ''Security Through Regularized Immigration and a Vibrant Economy (STRIVE) Act of 2007,'' and I am working now to get members of CAPAC to support this bill.

The ''STRIVE Act'' would help eliminate the family backlog by no longer counting spouses and minor children of naturalized citizens against the worldwide cap on family-based immigration. That means remaining visas can reduce the backlog for the other classes of family-based immigrants. Such a move not only serves as a humane gesture, but upholds our core family values.

The ''STRIVE Act'' also addresses the concerns of the undocumented immigrants, providing for earned legalization, which means that people would be allowed to emerge from the shadows. Illegal immigrants would have to pay fines and back taxes, pass criminal background checks, and meet English and civics learning requirements. Contrary to the rhetoric, these immigrants would not jump ahead of those who have pending legal visa applications, but would instead have to wait their turn. Furthermore, they would not count against either the family-based or employment-based immigration caps.

While not perfect, the ''STRIVE Act'' is an excellent start to solving the immigration reform problem. As we celebrate the contributions of APAs to the nation, we must rededicate ourselves to a new direction; to meet the challenges faced by APA families. That is how we open the door to the American dream to all Americans.

HONORING THE MEMORY AND SERVICE OF HARRY LEON WILSON

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and service of PFC Harry Leon Wilson, who is the only known African-American to be a member of the 35th Infantry Regiment, 25th Infantry Division during the Korean War, where he was taken as a prisoner of war on November 27, 1950 and died in February 8, 1951 while in prison.

Harry Leon Wilson is also the only known African-American POW from Carter County,

Tennessee to die in a Korean prisoner of war camp.

Private Wilson was awarded the Combat Infantryman's Badge, the Prisoner of War Medal, the Korean Service Medal, The United Nations Service Medal, the National Defense Service Medal, the Korean Presidential Unit Citation and the Republic of Korea War Service Medal.

Madam Speaker, I ask you and all of my colleagues to join me in honoring the memory, selfless service, and great sacrifice of PVT Harry Leon Wilson.

TRIBUTE TO MRS. MARY MATTESON-PARRISH

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today to honor a dear friend and outstanding advocate for higher education, Mrs. Mary Matteson-Parrish. Mrs. Matteson-Parrish served on the North Harris Montgomery Community College District (NHMCCD) Board of Trustees from 1993 to 2005. During her tenure she served as Board Chair, Vice Chair, Secretary and Audit Committee Chair.

While on the Board of Trustees, Mary co-chaired the citizen's committee which worked tirelessly to conduct a successful petition drive and election campaign that permitted the Conroe Independent School District to join NHMCCD in 1991 thus creating higher education opportunities for thousands of Montgomery County students and workers. In addition, Mrs. Matteson-Parrish's commitment to improving access and enhancing the educational opportunities for citizens led to the growth of the North Harris Montgomery College District from 6 to 11 independent school districts and the expansion of services and facilities from three campuses to five comprehensive colleges: North Harris College, Kingwood College, Tomball College, Montgomery College and Cy-Fair College.

This week Montgomery College will name its art gallery the Mary Matteson-Parrish Art Gallery in testimony of the community's appreciation and respect for Mary's dedication to and leadership in providing high quality educational opportunities for the citizens of Montgomery County and the entire Eighth District of Texas.

I join with these communities in honoring this outstanding leader and in applauding her work in expanding educational opportunities to all who seek to learn.

PAYING TRIBUTE TO DONNA DIACO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Donna Diaco, who is a distinguished and devoted nurse.

According to her colleagues, Donna Diaco is an outstanding member of the nursing staff at Desert Springs Hospital. Donna is a constant role model in her work in the Intensive Care Unit and always expresses compassion and care for her patients as well as her co-workers. This has earned her the respect and esteem of her colleagues and patients alike. Over the course of her 25-year nursing career, Donna has become an impassioned advocate for her patients and colleagues. Her hard work is complemented by her optimistic ability to find the silver lining in every cloud.

Madam Speaker, it is my honor to recognize Donna Diaco for her service in the Intensive Care Unit at Desert Springs Hospital and the community. Her professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend Donna for her efforts and commitment to her patients and to our community.

CONGRATULATIONS MARJORIE (GIGI) KELAHER

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. EHLERS. Madam Speaker, I rise today to congratulate Marjorie Kelaher on the occasion of her retirement from the position of Deputy Clerk of the U.S. House of Representatives, which became effective as of May 1, 2007.

For over 25 years, Gigi Kelaher has worked for the House of Representatives in a number of different roles. Like many before her, Gigi got her start on Capitol Hill as an intern. Although many young people choose to leave the Hill once their internship has concluded, Gigi found a home in these halls. Though she was in the earliest stages of her career, her work in the fall of 1978 for Congressman Silvio O. Conte (R–MA) would be the beginning of a lifetime of public service.

Following her graduation from Villanova University in 1979, Gigi returned to Capitol Hill and became a full-time employee for Congressman Conte, the Ranking Minority Member of the House Appropriations Committee. She remained in his office in several different capacities until the Congressman's death in 1991. In September of that year, Gigi became the Federal Agency Coordinator for the White House Conference on Aging under President George H. W. Bush, before joining the office of former Congressman Peter I. Blute (R–MA) in 1993.

If her early career enabled her to serve a single Member at a time, Gigi soon discovered a way to serve every Member of Congress—by joining the Office of the Clerk of the House. In 1995, she began her position as Chief of Legislative Operations with the Clerk. In that position, Gigi managed a staff of twenty who supported day-to-day House Floor operations. She continued to build upon her experience in the Clerk's office, and was appointed Assistant Clerk of the House in December 2003. Her duties included the operations and planning of a 250-person organization responsible for the administration of the legislative processes of the House. In April 2006, Gigi was promoted to Deputy Clerk, where she continued to monitor Floor operations and administration for the Clerk's organization. This month, Gigi will retire from her position to devote more time to her family in Holyoke, Massachusetts. While she will be missed terribly, I admire the commitment to her family that led to Gigi's decision to retire. After so many years serving the public, it is no surprise that she is once again putting the needs of others first.

Madam Speaker, I would like to commend Gigi Kelaher for her years of public service and devotion to the House of Representatives. Without the hard work of dedicated staff like Gigi, the ability of Members of Congress to represent the American public would suffer tremendously. I know that my colleagues join me in thanking her for her assistance over the years, and in wishing her the best now, and in all her future endeavors.

RECOGNIZING THE LIFE OF ASTRONAUT WALTER M. ''WALLY'' SCHIRRA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. UDALL of Colorado. Madam Speaker, today I rise to recognize the life of one of our great space pioneers, Walter M. "Wally" Schirra.

Schirra was one of the original seven Mercury Astronauts and the only Astronaut to fly in all three of the earliest manned space programs: Mercury, Gemini, and Apollo. During one of his missions, Schirra conducted the first rendezvous of manned spacecraft in orbit, considered one of the most challenging tasks in space flight at the time.

Schirra was a great astronaut and a great American. What many of my colleagues may not realize is that Schirra became an active businessman and citizen in Colorado after retiring from the space program. I and my fellow Coloradans will miss him. For the benefit of my colleagues, I have attached an article from the Rocky Mountain News about Schirra's impact in Colorado.

[From the Rocky Mountain News, May 4, 2007]

ASTRONAUT LEFT MARK ON STATE

(By John C. Ensslin, Rocky Mountain News)

Walter M. ''Wally'' Schirra had a long career in Colorado as a businessman, civic activist and environmental consultant in the decade after he retired as an astronaut.

And like two of his fellow astronauts, John Glenn and Scott Carpenter, he also lived part of the year near Vail, where his daughter Suzanne had been an artist.

In one of his last public appearances in Colorado, Schirra, an avid horseman, took part in a ceremony celebrating an exhibition of cowboy hats at the Buffalo Bill Memorial Museum. The show included Schirra's hat, which sported drawings of trout and elk and pins from range rides he had gone on.

''He was very personable, very accessible, very down to earth,'' said Steve Friesen, the museum director. ''He was a regular guy, but at the same time I had the feeling of standing next to someone who was a major part of history in my life. It was pretty cool.''

Schirra moved to Denver shortly after leaving NASA in March 1969. He became president of Regency Investors, a subsidiary of Denver financier John M. King.

He later split from King to form his own company, Environmental Control Corp., which later became part of another company called Semco Inc. The firm worked on environmental impact studies for projects such as a coal gasification plant in Wyoming.

He was an avid sportsman. In October 1973, Schirra was part of a group that purchased 29 acres west of Fort Morgan near the Platte River for use as a sportsman's club.

He also once hosted a television series called The Outdoor Life. In May 1978, he was named host of a weekly public affairs television program on then KOA Channel 4 called Scope with Wally Schirra.

Schirra was active in Colorado Republican politics. In 1972, he was master of ceremonies for a downtown Denver rally for then-Vice President Spiro Agnew. In 1979, he was an honorary chairman for Ronald Reagan's presidential campaign in Colorado.

In the early 1970s, his civic work included crusades for the Colorado chapter of the American Cancer Society to an organizing committee that tried unsuccessfully to bring the winter Olympics to Colorado.

HONORING DAVID KNIGHT UPON HIS RETIREMENT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to commemorate the impending retirement of David Knight as the Sonoma County Director of Transportation and Public Works, and to celebrate the time he has spent as a public servant for the people of the County. Dave has been Director of the Department for over 4 years, following a 10-year tenure as Deputy Director and has been with the Department for a total of 28 years.

During Dave's time with the Department, Sonoma County has changed in many ways, and many of the improvements we have seen have been accomplished with his valuable guidance and leadership. When he first arrived at the County in 1979 as a young transportation planner, Dave was tasked with developing a new transit system. I was pleased to work with Dave to help bring sustainable and environmentally sound transportation programs and projects to our community. With Dave's help, Santa Rosa's bus fleet has evolved from one with just a few, diesel buses, to a fleet that is entirely powered by Compressed Natural Gas. It is still one of a relative few fleets in the State that are 100 percent alternatively-fueled. While the need for a cleaner environment and energy independence has been apparent to most of us for some time, few transit agencies have been as responsive in addressing these imperatives, as has Sonoma County Transit under Dave's leadership. And now, the County is beginning to use methane gas captured at a County landfill to power County cars with the hope that it may one day be a source for our buses and other fleet vehicles.

That Dave has been a forward-thinking leader in public works can be evidenced in other ways, as well. Along with Marin County officials, Dave and other Sonoma County leaders recognized the benefits of public ownership of the Northwestern Pacific Railroad right-of-way; worked years ago to get it into public hands before its cost skyrocketed, and this corridor will almost certainly now be used to operate the SMART (Sonoma-Marin Area Rail Transit) rail system which will relieve congestion, clean the air, and improve the quality of life of all those who must now depend on the horribly congested Highway 101.

And under Dave's stewardship, a network of intermodal facilities and park and ride lots have been built that are also enhancing transit and car-pool opportunities for the citizens of Sonoma County, and in so doing, relieving congestion on Highway 101.

That Dave is among the nation's more innovative municipal public works directors would come as no surprise to those who know him. He received a masters degree in Urban and Regional Planning and was an early advocate of sustainability, which he defines, as well as anybody I've heard, as "making sure that what we do today doesn't reduce opportunities for people in the future."

Sonoma County has been fortunate that David Knight has spent most of his career working closely with our Board of Supervisors in helping to fashion and implement so many municipal improvements. We will miss him, but know that along with Pat, his wife of 28 years, he will enjoy an active retirement residing in the County and continue to contribute to the civic fabric that makes Sonoma such a wonderful place to live and work . . . thanks to Dave!

REGARDING CO-SPONSORSHIP OF H. CON. RES. 7

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. LEE. Madam Speaker, I rise today in regards to H. Con. Res. 7, the Darfur Partner's for Peace Act, which calls on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop it.

On April 26, 2007 the House passed my bill by a vote of 425–1.

Because House rules prohibit the addition of additional co-sponsors to a bill once the House has passed a bill, I am not able to formally add eight Members of Congress as co-sponsors of this legislation.

I ask that the record show that Ms. BORDALLO of Guam, Mr. SESTAK of Pennsylvania, Mr. LEVIN of Michigan, Ms. DELAURO of Connecticut, Mr. NEAL of Massachusetts, Mr. SALAZAR of Colorado, Mr. TIERNEY of Massachusetts, and Ms. LOFGREN of California are in support of my bill and should be considered by this body as co-sponsors of H. Con. Res. 7.

PAYING TRIBUTE TO DIANE PERAZA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Diane Peraza, who is being recognized as a distinguished and devoted professional in her field.

According to her colleagues Diane Peraza is an outstanding member of the nursing staff at Desert Springs Hospital. Diane displays a caring attitude while focusing not only on the health of her patients, but their holistic needs as well. Diane represents quality nursing care and she also demonstrates a respectful manner towards her patients and their families. She is highly motivated and continually expresses a desire to excel in her profession as a healthcare provider. Diane's entire nursing career has been defined by a commitment to excellence and dedication to serving the patients first. Her positive attitude and sincerity are evident to her colleagues as she promotes team work and unit excellence.

Madam Speaker it is my honor to recognize Diane Peraza for her service for Desert Springs Hospital and our community. Her professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend Diane for her efforts and commitment to her patients and to our community. I wish her well in her continued efforts as an outstanding nurse.

TRIBUTE TO DR. FRITZ BRUENING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. KILDEE. Madam Speaker, today I would like to recognize the accomplishments of Dr. Fritz Bruening. Dr. Bruening is the 2007 recipient of the Jack Hamady Good Scout Award from the Burton Rotary Club. He will receive the award at a luncheon on May 10th.

Dr. Bruening graduated from high school in Decorah, Iowa, where he was a member of the wrestling team, the Honor Society and Valedictorian of his graduating class. He continued his education at Notre Dame University, where he was the captain of the wrestling team, graduated Cum Laude and was awarded a Bachelor of Science degree.

After completing his studies at the University of Iowa, School of Medicine, Dr. Bruening finished his internships at Good Samaritan Hospital and East Mesa Emergency Center in Arizona. His residency in Ophthalmology was completed at North Carolina Baptist Hospital and Wake Forest Medical Center, where he was Chief Resident from 1984–1985.

In 1994 Dr. Bruening relocated to Flint, Michigan, and joined the Park Eye and SurgiCenter after 6 years in private practice in Winston-Salem, North Carolina. At the time he was one of a handful of surgeons capable of performing the Clear Cornea cataract surgery. He has subsequently published two articles, "Clear Cornea Surgery" in the March issue of the Genesee County Medical Society Bulletin and "Placement of a Secondary Foldable Intraocular Lens over a Capsule Remnant" in the August issue of the Journal of Cataract and Refractive Surgery.

Dr. Bruening has devoted countless hours to assisting the indigent and working poor. He continues to take referrals from optometrists to perform surgeries on patients without insurance and incapable of paying. He counts the restoration of sight to a man that had not been able to see for 20 years as his greatest achievement.

Madam Speaker, I ask the House of Representatives to join me in congratulating Dr. Fritz Bruening as he receives the Jack Hamady Good Scout Award from the Burton Rotary Club.

ON THE DEATH OF SERGEANT MICHAEL VAUGHAN

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. HOOLEY. Madam Speaker, I rise today to recognize the sacrifice and honor the loss of SGT Michael Vaughan. Answering the call of service, Michael enlisted in the U.S. Army while still completing studies at Taft High School. Unlike his peers, he spent his post-graduation summer learning the profession of arms. After boot camp and advanced training, Michael Vaughan worked hard to live up to the standards of the paratroopers.

Just a few weeks ago, Sergeant Vaughan and eight other paratroopers with the famed 82nd Airborne were killed when a suicide bomber attacked their compound in Sadah, Iraq. These brave paratroopers were preparing for another patrol to keep the civilians in that small town safe from the emerging violence.

Today, the community of Otis and all of Lincoln County, Oregon mourns the passing of Michael. He was a good-natured young man that people knew and loved, the kind of son parents looked to as an example of sincerity, earnestness, and mostly—of service. Though he longed for the days when his uniform would hang in the closet, Sergeant Vaughan wanted to serve his country before beginning the rest of his life. Like his father and grandfather before him, he knew that freedom is fragile and that someone, somewhere, must stand the post on the frontier. Sergeant Michael Vaughan is an example for us all. In his all too brief twenty years upon this planet, he established a legacy that cannot—and must not—be forgotten.

As Memorial Day nears, I ask each of us to remember the life and purpose of those that have given their last full measure so that we could bask in the warmth of life and liberty. I ask each of us to look inside ourselves and to ask if we are doing everything we can do to help these brave men and women. And I ask each of us to personally commit to seeking the best answers for the problems we face and to approach these challenges with the same dedication to duty, the same selflessness that Michael Vaughan and his comrades in arms exemplified. Let us begin anew.

TO REAUTHORIZE THE TROPICAL FOREST CONSERVATION ACT AND EXPAND THE PROGRAM TO INCLUDE THE CONSERVATION OF ALL FORESTS AND CORAL REEFS AND ASSOCIATED COASTAL MARINE RESOUCES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. KIRK. Madam Speaker, today I introduce a bill to reauthorize and expand Rob Portman's landmark legislation, the Tropical Forest Conservation Act. This reauthorization will help developing countries reduce foreign debt and provide comprehensive environmental preservation programs to protect forests and endangered marine habitats around the world.

Since enacted in 1998, Tropical Forest Conservation Act programs have generated a total of $135 million over 10 to 25 years to help conserve 50 million acres of tropical forests in Asia, the Caribbean, Central and South America. But the rate of deforestation continues to accelerate across the globe in all types of forests.

Similarly alarming is the rapid rate of coral reef and coastal exploitation. The burden of foreign debt falls especially hard on the smallest of nations, such as island nations in the Caribbean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. According to the National Oceanic and Atmospheric Administration, 60 percent of the world's coral reefs may be destroyed by the year 2050 if the present rate of destruction continues.

The Forest and Coral Conservation Act will credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to protect these unique ecosystems from degradation. This legislation will make available resources for environmental stewardship that would otherwise be of the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

Madam Speaker, this legislation has enormous consequences for the existence of critical ecosystems, the health of our planet, and the livelihoods of millions of people across the globe. I am proud to introduce the Forest and Coral Conservation Act, which will help preserve the world's most precious natural resources.

PAYING TRIBUTE TO JULIE WILBUR

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Julie Wilbur, a Registered Nurse who has distinguished herself as an outstanding and devoted professional in her field.

Julie Wilbur is a nurse at Spring Valley Hospital. She has over 20 years of nursing experience and she presently serves as the Charge Nurse of General Medicine and Surgery, Julie has a diverse knowledge of her subject area and is efficient and dependable. Julie has participated in a number of professional development training courses such as the Constructive Criticism Communication Course and Epidural Pain Management Course. Julie is also active as a member in the Academy Med-Surgical Nurses Chapter #413 and as a committee member of the Shared Governance Spring Valley Hospital Coordinating Council.

Madam Speaker, I am proud to honor Julie Wilbur. Over her 20 years in the nursing field, she has greatly enriched countless lives. I commend her hard work, dedication and commitment as a health care provider to the residents of Southern Nevada.

TRIBUTE TO THE CHATTANOOGA BAR ASSOCIATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. WAMP. Madam Speaker, I rise today to honor the works of the Chattanooga Bar Association in my hometown of Chattanooga, Tennessee, and join them in celebrating the CBA's upcoming Law Day Luncheon on May 9, 2007. Law Day USA is set aside each year on May 1st by a joint resolution of Congress and Presidential proclamation as an occasion for honoring the place of law in our lives. It is not a national holiday, nor is it a ''lawyer's day.'' Instead, Law Day is an occasion for all Americans to learn more about our law, our legal system, and our rights. It is also a day to reflect on our legal heritage, our responsibilities as citizens, and the principles of our democratic government. Law Day has been a vital part of American life for several generations. Law Day has celebrated our great heritage of liberty, justice and equality under law since it was first proclaimed in 1958 by President Eisenhower. Law Day gives us the opportunity to reflect on how the law protects and guides America's quest for equal justice and equal opportunity, just as it permits us to express our opinions, select our leaders, worship where we choose, and pursue our livelihood. Thanks to the freedoms guaranteed by our Constitution, and protected by our laws and courts, we American have the opportunity—unmatched anywhere in the world—to develop our capabilities to the fullest.

This year, on May 9th, the Chattanooga Bar Association will honor the legal community of Chattanooga, Tennessee, with their annual Law Day Luncheon. The theme of this year's Law Day USA is ''Liberty Under Law: Empowering Youth, Assuring Democracy.'' The featured speaker is Bill Curry. Mr. Curry is an ESPN analyst, a legendary college/pro football coach, and the Executive Director of The Baylor School's Leadership Baylor Program. Curry says he has ''been smitten'' with the study of leadership since he was a young child. ''I was one of those hyperaggressive boys who had too much energy and my teachers had to find ways to keep me occupied,'' said Curry. He recalled one teacher in particular who propped him in a corner next to a shelf loaded with biographies of U.S. historical figures and he proceeded to soak up the stories of George Washington, Thomas Jefferson, Lou Gehrig and many others. ''I was absorbed with study of leadership, and I decided I wanted to find out what made these people tick. How could Helen Keller do what she did? What could I do to be an effective leader myself? Leadership has been a passion almost as long as I can remember,'' said Curry.

During the luncheon, the Chattanooga Bar Association will honor Paul Neely with the 2007 ''Liberty Bell Award.'' This award, given to a person who is not in the legal profession, is one of the Chattanooga Bar Association's highest honors. The purpose of the ''Liberty Bell Award'' is to recognize community service that has strengthened the American system of freedom under law. In selecting the recipient of this award, the Chattanooga Bar Association considers activities which (1) promote a better understanding of our Constitution and

the Bill of Rights; (2) encourage a greater respect for the law and the courts; (3) stimulate a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights; (4) contribute to the effective functioning of our institution of governments; and (5) foster a better understanding and appreciation of the rule of law. I ask all Members of the House of Representatives to join me in congratulating Paul Neely for his contributions to the Chattanooga community.

The winners of the Law Day Essay Contest, which is open to all Hamilton County, private, and home school students, grades 9–12 are in Division 1—1st place winning a $1,000 college scholarship is Christine Marie Leavens of Red Bank High School School. The 2nd place winner is Rachael Stewart of Ooltewah High School, and 3rd place winner is William Andrew Whitener of Ooltewah High School.

In Division 2 of the Law Day Essay Contest—1st place winning a $1,000 college scholarship is Taylor Dickinson of Girls Preparatory School; 2nd place winner is Radhika Patel of Baylor School; and receiving 3rd place is John D. Whitehurst of McCallie School.

The Law Day Poetry Contest is open to all sixth, seventh, and eighth graders of the same demographics. Winning 1st place is Margaret M. Copler; 2nd place winner is Mary Woodruff Griffin; and 3rd place is Parker Mallchok, all of Girls Preparatory School.

The Law Day Visual Arts contest is open to fourth and fifth graders of the same demographics. Winning 1st place is Dennis Sohn on his artwork titled ''Protect Peacefully''; winning 2nd place is Victoria Reed Schaaf on her artwork titled ''Step By Step . . . Drinking and Driving''; and winning 3rd Place is Lauren Michelle Hood on her artwork titled ''Liberty Empowering Future Leaders''. All winners in the art division are from St. Peter's Episcopal School.

Madam Speaker, I ask the United States House of Representatives to join me in thanking the Board of Governors of the Chattanooga Bar Association for their contributions and commitment to the legal profession and to the Chattanooga community. The members of the CBA Board of Governers are Lynda Minks Hood, Executive Director; James M. Haley, IV, President; Cynthia D. Hall, President-elect; The Honorable Barry A. Steelman, Secretary-Treasurer; Joseph R. White, Immediate Past President; Barry L. Abbott, David Elliott, Ira M. Long, Jr., John T. Rice, The Honorable Jacqueline Schulten, and Christopher T. Varner.

RECOGNIZING THE HUNTERS LANE HIGH SCHOOL MUSIC PROGRAM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. COOPER. Madam Speaker, today I rise to pay tribute to the students, teachers and administrators of the music department at Hunters Lane High School in Nashville, Tennessee. They are tonight celebrating a well-deserved designation as a Signature School by the Grammy Foundation and the Gibson Foundation, an honor given to just 22 schools across the country.

Hunters Lane is one of Nashville' s fine public high schools, and in a city known for its music, Hunters Lane's program lives up to our community's highest standards. The Warriors boast a marching band, a concert band, a jazz band and a drum line, in addition to a bustling choral music program, all of which perform to great acclaim. Indeed, the students at Hunters Lane are a talented bunch.

I was pleased, Madam Speaker, but not surprised to learn that Hunters Lane was being recognized with a $5,000 grant from the Grammy Foundation and the Gibson Foundation to benefit the school's guitar and piano programs. Hunters Lane was selected from over 20,000 schools and 700 applicants. Clearly, their music program is the cream of the crop.

I am particularly proud of Hunters Lane's commitment to music education. Just two weeks ago in the House of Representatives, we passed a resolution I offered with my colleague Mr. PORTER expressing the sense of Congress that ''music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school.'' Music education, the House found, helps students ''analyze, solve problems, communicate, and work cooperatively.'' Soon I expect the Senate to concur in this matter, and the importance of school-based music education to youth development will be resolved by the full 110th Congress.

Truly, Hunters Lane High School expresses our community's commitment to music education, and I hope that this honor only furthers the school's goals. That is why today I ask my colleagues to join me in saluting the students, teachers and administrators of Hunters Lane, who have worked hard to make their music program one of the best in the country. May this award inspire other public schools across the nation to follow in their footsteps.

PAYING TRIBUTE TO THE GIL FAMILY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Gil family, proprietors of the Casa Don Juan restaurant, who were named the Small Business Association's Family Owned Small Business of the Year for the State of Nevada.

Over 10 years ago, Maria and Raul Gil moved to Las Vegas from California looking for an opportunity to own and operate a family restaurant. Upon arriving in Las Vegas the Gil's recognized that there was a lack of Mexican restaurants, and subsequently opened Casa Don Juan. Over the past 10 years, Casa Don Juan has built up its clientele with excellent food and service and now employs over 40 people, including the Gil's children, Nancy, Denisse and Billy.

Casa Don Juan is located on Main Street in downtown Las Vegas and has greatly benefited from the recent development and revitalization efforts. The Gil's now plan to expand Casa Don Juan to meet the growing demand from their very satisfied and loyal clientele.

Madam Speaker, I am proud to honor Raul, Maria, Nancy, Billy and Denisse Gil. Their innovative spirit and hard work are commendable and I wish the Gil family continued success at Casa Don Juan.

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 Monday, May 7, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

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.
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, and S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.
SD–226

Environment and Public Works
Private Sector and Consumer Solutions to Global Warming and Wildlife Protection Subcommittee
To hold hearings to examine emerging technologies and practices for reducing greenhouse gas emissions.
SD–406

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 Internal Revenue Service.
SD–192

Aging
To hold hearings to examine the future of Medicare, focusing on recognizing the need for chronic care coordination.
SD–106

MAY 10

9 a.m.
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

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

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine the Federal Aviation Administration's budget performance and treatment.
SD–138

10 a.m.
Finance
To hold hearings to examine economic issues for America's working families and middle class.
SD–215

Judiciary
To hold hearings to examine the nominations of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Janet T. Neff, to be United States District Judge for the Western District of Michigan, and Liam O'Grady, to be United States District Judge for the Eastern District of Virginia.
SD–226

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

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine violent Islamist extremism, focusing on government efforts to defeat it.
SD–342

3 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of David George Nason, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury, Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration, Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank, Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States, Scott A. Keller, of Florida, to be an Assistant Secretary of Housing and Urban Development, Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development, and Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.
SD–538

MAY 15

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine communications, taxation and federalism.
SR–253

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 800, to establish the Niagara Falls National Heritage Area in the State of New York, S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System, S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System, H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives, and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.
SD–366

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.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

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

9:30 a.m.
Armed Services
To hold hearings to examine the United States European Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine violence in the media.
SR–253

MAY 22

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

MAY 24

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.
SR–253

CANCELLATIONS

MAY 9

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

MAY 10

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

POSTPONEMENTS

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

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5623–S5673

Measures Introduced: Thirteen bills and four resolutions were introduced, as follows: S. 1312–1324, S. Res. 189–190, and S. Con. Res. 33. **Page S5655**

Measures Reported:

S. 496, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, with amendments. (S. Rept. No. 110–63)

S. 163, to improve the disaster loan program of the Small Business Administration, with an amendment in the nature of a substitute. (S. Rept. No. 110–64) **Page S5655**

Measures Passed:

Senate Legal Representation: Senate agreed to S. Res. 189, to authorize testimony and legal representation in District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada. **Page S5669**

Kansas Disaster: Senate agreed to S. Res. 190, expressing the condolences of the Nation to the community of Greensburg, Kansas. **Page S5669**

Measures Considered:

Prescription Drug User Fee Amendments: Senate resumed 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 S5634–51**

Adopted:

By 49 yeas and 40 nays (Vote No. 151), Cochran Amendment No. 1010 (to Amendment No. 990), to protect the health and safety of the public. **Pages S5634, S5637–41**

Dorgan Amendment No. 990, to provide for the importation of prescription drugs. **Pages S5634, S5641**

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 S5634**

Stabenow Amendment No. 1011, to insert provisions related to citizens petitions. **Page S5634**

Brown (for Brownback/Brown) Amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases. **Page S5634**

Vitter Amendment No. 983, to require counterfeit-resistant technologies for prescription drugs. **Page S5634**

Inhofe Amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school. **Page S5634**

Gregg/Coleman Amendment No. 993, to provide for the regulation of Internet pharmacies. **Pages S5634, S5647–51**

During consideration of this measure today, Senate also took the following action:

By 82 yeas to 8 nays (Vote No. 152), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the committee amendment in the nature of a substitute, as modified, and amended. **Pages S5641–42**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Tuesday, May 8, 2007 and that second-degree amendments must be filed by 10:30 a.m., notwithstanding Rule XXII. **Page S5669**

Kapala Nomination—Agreement: A unanimous-consent-time agreement was reached proving that at 11:50 a.m., on Tuesday, May 8, 2007, Senate begin consideration of the nomination of Frederick J. Kapala, to be United States District Judge for the Northern District of Illinois; provided further, that there be 20 minutes of debate equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, or their designees; at the conclusion or yielding back of time, Senate vote on the nomination. **Pages S5668–69**

Nominations Received: Senate received the following nominations:

William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

3 Army nominations in the rank of general.

A routine list in the Foreign Service. **Page S5673**

Messages from the House: Page S5652
Measures Referred: Page S5652
Measures Placed on the Calendar: Page S5652
Measures Read the First Time: Pages S5652, S5669
Executive Communications: Pages S5652–55
Additional Cosponsors: Pages S5655–57
Statements on Introduced Bills/Resolutions: Pages S5657–61
Additional Statements: Pages S5651–52
Amendments Submitted: Pages S5661–68
Notices of Hearings/Meetings: Page S5668

Record Votes: Two record votes were taken today. (Total—152) Pages S5641, S5642

Adjournment: Senate convened at 2:15 p.m., and adjourned at 6:51 p.m., until 10 a.m. on Tuesday, May 8, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5669.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: NATIONAL INSTITUTES OF 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 the National Institutes of Health: Frontiers of Science, after receiving testimony from Jeremy Mark Berg, Director, National Institute of General Medicine Sciences, Francis S. Collins, Director, National Human Genome Research Institute, Donald A.B. Lindberg, Director, National Library of Medicine, and Roderic I. Pettigrew, Director, National Institute of Biomedical Imaging and Bioengineering, all of the National Institutes of Health, Department of Health and Human Services.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills, H.R. 2183–2198; 1 private bill, H. Res. 381; and 5 resolutions, H. Con. Res. 143; and H. Res. 376, 378–380 were introduced. Pages H4552–53

Additional Cosponsors: Pages H4553–54

Reports Filed: A report was filed on May 4, 2007 as follows:

H.R. 1684, to authorize appropriations for the Department of Homeland Security for fiscal year 2008, with an amendment (H. Rept. 110–122); Reports were filed today as follows:

H. Con. Res. 124, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (H. Rept. 110–123);

H.R. 1294, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, with an amendment (H. Rept. 110–124);

H.R. 1140, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system (H. Rept. 110–125);

H.R. 1114, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska (H. Rept. 110–126);

H.R. 1080, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision (H. Rept. 110–127);

H.R. 487, to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project (H. Rept. 110–128);

H.R. 1595, to implement the recommendations of the Guam War Claims Review Commission, with an amendment (H. Rept. 110–129);

H. Res. 377, providing for consideration of H.R. 1294, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (H. Rept. 110–130); and

H.R. 2082, to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the

Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (H. Rept. 110–131). **Page H4552**

Speaker: Read a letter from the Speaker wherein she appointed Representative Filner to act as Speaker Pro Tempore for today. **Page H4489**

Recess: The House recessed at 12:31 p.m. and reconvened at 2 p.m. **Page H4489**

Clerk Designations: Read a letter from the Clerk wherein she designated Ms. Deborah M. Spriggs, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts in case of her temporary absence or disability. **Pages H4489–90**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders: H. Res. 355, to recognize and welcome the leaders of the Pacific Islands to Washington, D.C., and to commend the East-West Center for hosting the Pacific Islands Conference of Leaders; **Pages H4490–94**

Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service: H. Con. Res. 124, to authorize the use of the Capitol Grounds for the National Peace Officers' Memorial Service; **Pages H4494–95**

Columbia-Pacific National Heritage Area Study Act: H.R. 407, amended, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, by a ⅔ yea-and-nay vote of 294 yeas to 80 nays, Roll No. 302; **Pages H4499–H4502, H4526–27**

Grand Teton National Park Extension Act of 2007: H.R. 1080, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision; **Page H4502**

Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007: H.R. 487, to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project; **Pages H4502–05**

City of Oxnard Water Recycling and Desalination Act of 2007: H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; **Pages H4505–06**

Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project: H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; **Page H4506**

Lower Republican River Basin Study Act: H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, by a ⅔ yea-and-nay vote of 370 yeas to 1 nay, Roll No. 303; **Pages H4506–07, H4527**

Alaska Water Resources Act of 2007: H.R. 1114, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska; **Pages H4507–08**

South Orange County Recycled Water Enhancement Act: H.R. 1140, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system; **Pages H4508–09**

Homeless Veterans Housing at Sepulveda Ambulatory Care Center Promotion Act: H.R. 1642, to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a sober living facility for veterans only; **Pages H4516–19**

Commending the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship: H. Res. 325, amended, to commend the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship; **Pages H4519–20**

Honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of

older Americans: H. Res. 290, to honor the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans; **Pages H4520–21**

In observance of National Physical Education and Sports Week: H. Res. 371, to observe National Physical Education and Sports Week, by a ⅔ yea-and-nay vote of 373 yeas with none voting "nay", Roll No. 304; **Pages H4521–23, H4527–28**

Recognizing annually a National Classified School Employee of the Year and honoring the valuable contributions of Classified School Employees in the United States: H. Res. 376, to recognize annually a National Classified School Employee of the Year and to honor the valuable contributions of Classified School Employees in the United States; and **Pages H4523–24**

Supporting the goals and ideals of "National Correctional Officers and Employees Week" and honoring the service of correctional officers and employees: H. Res. 264, to support the goals and ideals of "National Correctional Officers and Employees Week" and to honor the service of correctional officers and employees. **Pages H4524–26**

Setting forth the congressional budget for the United States Government for fiscal year 2008—Rule for Consideration: The House debated H. Res. 370, the rule providing for consideration of S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012. Further consideration is expected to resume on Tuesday, May 8th. **Pages H4509–16**

Recess: The House recessed at 6:02 p.m. and reconvened at 6:30 p.m. **Page H4526**

Suspension—Proceeding Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed until Tuesday, May 8th:

Guam World War II Loyalty Recognition Act: H.R. 1595, amended, to implement the recommendations of the Guam War Claims Review Commission. **Pages H4495–99**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H4489.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H4526–27, H4527 and H4527–28. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:34 p.m.

Committee Meetings

SELECT INTELLIGENCE OVERSIGHT PANEL

Committee on Appropriations: Select Intelligence Oversight Panel met in executive session to hold a hearing on the National Geospatial Agency. Testimony was heard from departmental witnesses.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2007

Committee on Rules: Granted, by non-record vote, a closed rule. The rule provides 1 hour of debate on H.R. 1294, Thomasina E. Jordon Indian Tribes of Virginia Federal Recognition Act of 2007, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of Rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendments printed in the report of the Committee on Rules, 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 the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Representatives Grijalva and Moran of Virginia.

COMMITTEE MEETINGS FOR TUESDAY, MAY 8, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, 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, 2:30 p.m., SD–192.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 10 a.m., SR–253.

Committee on Finance: to hold an oversight hearing to examine the Medicare prescription drug benefit, 10 a.m., SD–215.

Committee on 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, 10 a.m., SD–628.

Committee on the Judiciary: to hold hearings to examine privacy and civil liberties concerns, focusing on the REAL ID Act (Public Law 109–13), 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 Agriculture, Subcommittee on Livestock, Dairy, and Poultry, hearing to review the welfare of animals in agriculture, 10:30 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Readiness, to mark up H.R. 1585, National Defense Authorization Act for Fiscal Year 2008, 10 a.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Health, Education, Labor and Pensions, hearing on ''Are NLRB and Court Rulings Misclassifying Skilled and Professional Employees as Supervisors?'' 2:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''Alternative Fuels: Current Status, Proposals for New Standards, and Related Infrastructure Issues,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on the Role of the Secondary Market in Subprime Mortgage Lending, 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, hearing entitled ''Rural Housing Programs: Review Fiscal Year 2008 Budget and Pending Rural Housing Legislation,'' including the following bills: H.R. 1980, Housing Assistance Council Authorization Act of 2007; and H.R. 1982, Rural Housing and Economic Development Improvement Act of 2007, 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia, hearing on Two Sides of the Same Coin: Jewish and Palestinian Refugees, 10 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); and a Committee Franking Allocation Resolution, 1 p.m., 1310 Longworth.

Committee on the Judiciary, Antitrust Task Force, hearing on the findings and recommendations of the Antitrust Modernization Commission, as established by the Antitrust Modernization Commission Act of 2002, 2 p.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on the Role of Family-Based Immigration in the U.S. Immigration System, 9:30 a.m., 2141 Rayburn.

Committee on Rules, to consider the following: H.R. 1684, Department of Homeland Security Authorization Act for Fiscal Year 2008; and H.R. 1873, Small Business Fairness in Contracting Act, 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management and the Subcommittee on Water Resources and Environment, joint hearing on National Levee Safety and Dam Safety Programs, 10 a.m., 2167 Rayburn.

Subcommittee on Railroads, Pipelines and Hazardous Materials, hearing on Rail Safety Legislation, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, to mark up H.R. 67, Veterans Outreach Improvement Act of 2007; followed by a hearing on Veterans Cemeteries: Honoring Those Who Served, 2 p.m., 334 Cannon.

Subcommittee on Oversight and Investigations, hearing on Sharing of Electronic Medical Records between Department of Defense and Department of Veterans' Affairs, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support and the Subcommittee on Select Revenue Measures, joint hearing on Independent Workers, 9:30 a.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Tuesday, May 8

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 1082, Prescription Drug User Fee Amendments. At 11:50 a.m. Senate will begin consideration of the nomination of Frederick J. Kapala, to be United States District Judge for the Northern District of Illinois and after a period of debate vote on confirmation thereon.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Tuesday, May 8

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H. Res. 307—Expressing the sense of the House of Representatives 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; (2) H. Con. Res. 117—Commemorating the 400th Anniversary of the settlement of Jamestown; (3) H. Res. 291—Supporting the goals and ideals of Peace Officers Memorial Day; (4) H. Con. Res. 105—Supporting the goals and ideals of a National Suffragists Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States; (5) H.R. 2080—To amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education; and (6) H.R. 2081—To amend the District of Columbia Home Rule Act to increase the salary of the Chief Financial Officer of the District of Columbia. Consideration of H.R. 1294—Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2006 (Subject to a Rule) and H.R. 1873—Small Business Fairness in Contracting Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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Congressional Record

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